Home Dept.

ACTS AND ORDERS

GOV.T OF INDIA LIBRARY

BENGAL SECRETARIAT LIBRARY

FOR THE

North Western Provinces.

FROM THE COMMENCEMENT

OF THE

AGRA GAZETTE

IN 1840 TO THE END OF 1843.

RE-PUBLISHED FROM THE GAZETTE

BY ORDER OF THE

HONORABLE THE LIEUTENANT GOVERNOR, N. W. P.

AGRA:

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1846.

BENGAL SECRETARIAT LIBRARY.

PREFACE.

The following letter addressed by the order of Government to the Register of the Sudder Dewanny Adawlut, on November 28th, 1840, will explain the origin of this volume.

1. "It has been suggested to the Lieutenant Governor that the present practice of the Court of Sudder Dewanny Adawlut, in the issue of its Circular Orders might be altered for the better, so as to economize labor, and secure more extensive circulation."

2. "Some of the Circular Orders are merely of temporary interest, calling for information on certain points or soliciting opinions. These require to be promptly issued, and in many cases need not be translated into Oordoo. As regards them the former practice might be maintained. Lithographed or Manuscript Circulars might be issued direct from your office, with or without translations, as circumstances may require, and publication of them in the *Gazette* would be unnecessary."

3. "There are other Circular letters of a more permanent character which may be distinguished as Standing Orders conveying rules of practice, forms for observance, or constructions of the law. These should be published in the *Gazette*, but they should appear there first and only accompanied with the Oordoo translation. The prior promulgation in English only from your office as at present, in the form of written letters, is useless and in some respects objectionable."

4. "If the Court see no objection to the adoption of these suggestions, they may be acted upon immediately, and, upon receiving the Court's concurrence, validity will be given to this mode of promulgating Standing Orders by a Government order in the *Gazette*, to which the notice of public officers should be called by a letter from the Court."

5. "It further occurs to his Honor as desirable that the Court should carefully examine the translations of these orders, as they appear in the Gazette; note any inaccuracies which may creep into the renderings, and cause the collected orders of each year to be published at its close, with the English and revised Oordoo translation in parallel columns, in the cheapest and most convenient form. The execution of this design is entrusted to the Court, and sanction is hereby conveyed to any expence which it may occasion."

Another letter in corresponding terms was addressed on the same date to the Secretary to the Sudder Board of Revenue.

The scheme of re-publishing the Circulars at the end of each year, was, however, lost sight of, and it was only in 1844, that measures were taken for carrying it into effect. This is the first volume which has been published, and it will be observed that the plan has been a little enlarged so as to embrace all Acts and Orders of permanent interest affecting the North Western Provinces, which have appeared in the *Agra Government Gazette* from 16th September 1840, on which date the first number issued, to December 31st 1843.

The Ordoo is printed as a separate volume and is on the point of publication.

In future separate volumes in English and in Oordoo will be published as soon as possible after the close of each year, embracing similar matter taken from the Gazette of the year, immediately preceding. The volumes for 1844 are far advanced and will shortly be published.

J. THORNTON,

Secy. to Govt. N. W. P.

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ACTS AND ORDERS

FOR THE

NORTH WESTERN PROVINCES.

ACTS.

Fort William,

LEGISLATIVE DEPARTMENT,

Act No. 1. of 1841.

Passed by the Right Hon'ble the Governor General of India in Council on the 12th of April, 1841.

An Act for facilitating the collection of the Revenue of Government, and defining the interest intended to be conveyed by public sales, for the realization of arrears of the Public Revenue in Putteedarree Estates.

Preamble.

I. The Regulations in force authorize the application of duress for enforcing the payment of arrears of the public revenue, only against the person and property of the Contracting Lumberdar, leaving him to proceed against the Putteedars by suit or distraint. But with reference to the peculiar nature of these Coparcenaries the existing enactments appear to be insufficient on the one hand for the protection of the rights of the Putteedars, and on the other hand for the punctual realization of the dues of Government. The Regulations are also deficient in not authorizing with sufficient distinctness the sale or transfer of the Puttees of defaulting Putteedars in Putteedarree Estates, and in not defining the interest intended to be conveyed by public sales of such Estates.

II. A Putteedarree Estate in this Act is held to be an Estate which consists of two or more separate portions or Puttees, or of which there may be Proprietors, possessed of separate properties and holding direct of the Government, but not parties in their own names to the contract with the Government for payment of the public revenue. The Proprietor who is a party in his own name is called a Lumberdar, and the Proprietor who is not a party in his own name is called a Putteedar.

III. It is hereby enacted, that the following modes of duress may be enforced against all Putteedars whose tenure and interest may have been defined by a Settlement formed according to Regulation VII. of 1822 as modified by Regulation IX. of

1833, whether every such Putteedar be in sole occupation of his Puttee, or hold it in common with others.

1st. Issue of Dustucks in the same manner, and under the same limitation, as authorized by the rules in force for Lumberdars.

2d. Arrest, detention, imprisonment, distraint and sale of personal property as now authorized to be enforced against Lumberdars.

3rd. Transfer of the defaulting Puttee in perpetuity to the members of any other Puttee which may not be in arrear.

4th. Annulment of the Settlement as regards the defaulting Puttee, and lease thereof to the members of any other Puttee which may not be in arrear, or to a stranger for any term not exceeding fifteen years.

5th. Sale of the defaulting Puttee by public auction, in which case the members of the remaining Puttees, who may not be in arrear, are authorized to bid.

IV. And it is hereby enacted, that on occasion of the sale by public auction of any Puttee, if the lot shall have been knocked down to a stranger, any Putteedar or other member of the Coparcenary, not being himself in arrear, may claim to take the said Puttee at the sum last bid, provided that the said demand of pre-emption be made on the day of sale and before the Collector shall have left the office, and provided that the claimant fulfil all the other conditions of the sale.

V. And it is hereby enacted, that the above methods be employed by the Collector or other Officers vested with the powers of Collector, under such limitation and control as Government or other superior revenue authorities shall see fit to prescribe or enforce.

VI. And it is hereby enacted, that the sale of any Puttee, by public auction, shall be effected in respect to the notice to be issued, the authority to be obtained, and the mode of conducting the sale according to the rules prescribed by Law from time to time for the sale of an entire Mehal, and the Puttee after the sale shall have been duly confirmed shall be the absolute property of the purchaser, save and except the rights of those Ryots whose right to the permanent occupancy of their lands may have been recognized, and the rates of rent payable by whom may have been adjusted and recorded at the last settlement.

VII. And it is hereby enacted, that in case of the lease or other temporary transfer of any Puttee as above said, no member of that Puttee shall be entitled to cultivate any land therein during the term of such transfer, or in case of absolute sale no member of the Puttee shall be entitled to hold or cultivate any land therein from and after the month of Bysack next succeeding such sale, unless the said member of such sold or transferred Puttee shall first execute a written engagement to pay rent to the purchaser or transferree at the rate demanded by the purchaser or transferree. Provided that it shall be competent to the Collector, subject to the orders of the Commissioner and the Sudder Board of Revenue, if the rate cannot be fixed by private bargain between the parties, to cause the same to be fixed by a jury of the vicinage in the mode directed by Sections V. to X. Regulation IX. of 1833.

VIII. And it is hereby enacted, that a copy of the Jumma Wasil Bakee and detailed Kuteonee of the Tehsildar signed and sealed by him, and countersigned by the Canoongoes and Putwarry, exhibiting in detail the amount paid by and arrear due from each Puttee, shall be taken to be sufficient evidence of the arrear due from that Puttee, and these papers shall invariably be filed with the Collector's proceedings.

IX. And be it enacted, that the Collector be empowered to give possession to all purchasers and transferrees under this Act in the mode authorized by Clause III. Sec. XXIII. of Reg. VII. of 1822.

X. And it is hereby enacted, that nothing contained in this Act shall bar the indefeasible right of Government to hold the entire body of Proprietors, and the entire Estate responsible for the amount of the whole Jumma, and to enforce the existing regulations for the transfer or sale of the whole Estate whenever it shall appear to them just and expedient. In every such case it is hereby declared in modification of Regulation XI. of 1822, that the entire proprietary rights of every member of the Coparcenary shall be annulled and forfeited, and the provision of Section VII. of this Act shall be applicable to every member of the Coparcenary.

XI. And it is hereby enacted, that the Governor General in Council may extend the provisions of this Act to any district, to which with reference to the nature of the tenures prevalent therein, its extension may be expedient, although no Settlement of such district may have been made under Regulation VII. of 1822, and IX. of 1833, and the order of Government shall be sufficient authority for such extension.

T. H. MADDOCK,
Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 31st May, 1841.

The following Act passed by the Right Honorable the Governor General of India in Council on the 31st of May, 1841, is hereby promulgated for general information.

ACT No. V. OF 1841.

An Act for the greater uniformity of the process upon Trials for State Offences, and the amendment of such process in certain cases.

I. Whereas it is expedient that the rules of process for the trials of state offences should be modified with a view to uniformity at the different Presidencies; and whereas some of the rules heretofore in force at particular Presidencies require amendment:—

It is hereby enacted, in modification of all regulations and parts of regulations affecting process upon trials for state offences, that it shall be competent for the ordinary tribunals to try charges of treason, rebellion or other crime against the state.

II. And it is hereby enacted, that it shall be competent for the Government of any Presidency to issue a commission for the trial of any offences of treason, rebellion or crime against the state by one or more Judges, together with such Law Officers, as shall be required or without any such officer, according as it may be deemed expedient.

III. And it is hereby enacted, that the Courts convened under such Commissions are to try the prisoners brought before them in the same manner as in trials before the Ordinary Courts; and shall exercise all powers and authorities vested in such Courts, except that their sentence, whether of acquittal or punishment, shall in every instance be reported with their proceedings to the highest Court of the East India Company for Criminal matters of the Presidency, previous to carrying the same into execution; and they are to be guided as to the place where they are to assemble, the persons to be tried by them, and all other particulars not provided by any Regulation of the respective Presidencies, or by any Act of the Governor General of India in Council, by the special orders which they may receive from the executive Govern-

ment, or from the highest Court of the East India Company for Criminal matters in the Presidency.

IV. And it is hereby enacted, that in case of the death, or of the absence from indisposition or other cause, of any of the Judges, or Law Officers of the Courts which may be appointed to try offenders under this Regulation, the remaining Judge or Judges, or Law Officer or Officers, shall be competent to form a Court, and proceed with the trial or trials, until provision can be made by the Government of the Presidency for supplying the place of such Judge or Judges, or Law Officer or Officers, if any such provision shall be deemed necessary; or, if no such provision be made, the powers and proceedings of the said Courts shall not be affected by the death or absence of such Judge or Judges, or Law Officer or Officers.

V. And it is hereby enacted, that the highest Courts of the East India Company for Criminal matters of the respective Presidencies on the receipt of any trials referred to them under this Act, are to proceed thereupon according to the rules in force with respect to other trials referred to them: except that they are in every instance to report their sentences to the executive Government of the Presidency for the time being; and are to wait the orders of Government for the period of three calendar months before they direct their sentence to be carried into execution.

VI. And it is hereby enacted, that the Magistrates of the several Zillahs and Cities, where any person or persons shall be charged with the crimes mentioned in this Act, shall give immediate notice thereof to the Government of the Presidency to which their several Districts or Cities belong, and shall pay immediate and strict attention to all orders which may be transmitted to them by their respective Governments for the apprehension of persons charged as aforesaid, or for making any enquiry respecting such persons, or for committing them to take their trials before the Ordinary Courts, or before the Special Courts described in this Act.

VII. And it is hereby enacted, that this Act shall not be construed to alter or affect the jurisdiction of any of Her Majesty's Supreme Courts of Justice.

T. H. MADDOCK, *Secy. to the Govt. of India.*

Fort William,

LEGISLATIVE DEPARTMENT,

The 7th June, 1841.

The following Act passed by the Right Hon'ble the Governor General of India in Council, on the 7th June, 1841, is hereby promulgated for general information.

ACT No. VI. OF 1841.

An Act for prohibiting the importation of Rum and Rum Shrub into the Presidency of Fort William in Bengal.

I. It is hereby enacted, that if any person after the passing of this Act, lands, or attempts to land, or shall introduce by land in any part of the Territories subject to the Government of the Presidency of Fort William in Bengal, any Rum or Rum Shrub, which is the produce of any foreign country, or of any British possession into which foreign Sugar or Rum can be legally imported, such Rum or Rum Shrub shall be seized by the Collector of the Customs, or by any other Officer authorized to seize and detain contraband goods, and shall be brought to confiscation, according to the Rules in force for confiscating such Goods, unless the District in which such Rum or Rum Shrub is landed, or in which an attempt has been made to land such Rum or

Rum Shrub, be a District in which the Governor General of India in Council has authorized the importation of such Rum or Rum Shrub, and it shall be lawful for the Governor General of India in Council to authorize the importation of such Rum or Rum Shrub into any District of the Territories aforesaid by an order in the Official Gazette.

II. And it is hereby enacted, that if any owner of Rum or Rum Shrub, the produce of the said Territories, or the duly authorised Agent of such owner, be desirous to obtain a Certificate of origin from the Collector or Assistant Collector of the Land or Customs Revenue of any District within the said Territories, or from any other Officer appointed by the Governor-General of India in Council to give such Certificates, such owner or Agent shall in the presence of the Officer from whom he desires to obtain such Certificate, make and subscribe a declaration in the form contained in the Schedule hereunto annexed marked A, and to the said Declaration shall be appended a Certificate to its verity from any Government Officer who may be attached to the Distillery where such Rum or Rum Shrub is declared to have been manufactured in the form prescribed in the said Schedule A.

III. And it is hereby enacted, that if the District be one into which the Governor-General of India in Council has not, by any Order, authorized the importation of Foreign Sugar or Rum, or of Sugar or Rum the growth or produce of any British possession into which Foreign Sugar or Rum can be legally imported, then the Officer before whom such a Declaration as is aforesaid shall have been made, shall grant under his hand and seal to the Declarant a Certificate in the form contained in the Schedule hereunto annexed marked B.

IV. And it is hereby enacted, that every person who intends to ship Rum or Rum Shrub from any place within the said Territories for any part of the United Kingdom, shall be entitled to produce to the Collector of Customs at that place, or to any other Officer who may have been appointed by the Governments of the respective Presidencies to act on that behalf in place of the Collector of Customs a Certificate, such as is above described, and also in the presence of the Officer to whom he has so produced such Certificate to make and subscribe a Declaration in the form contained in the Schedule hereunto annexed marked C.

V. And it is hereby enacted, that the Officer to whom such a Certificate shall have been so produced, and before whom a Declaration in the last mentioned form shall have been so made and subscribed, shall, unless he see cause to deem such Declaration fraudulent and untrue, grant to the person who has made the last mentioned Declaration a Certificate in the form contained in the Schedule hereunto annexed marked D.

VI. And it is hereby enacted, that the owner of Rum or Rum Shrub intended for exportation under this Act, or the duly authorized Agent of such owner, shall not be entitled to any of the Certificates described in this Act, unless such Rum or Rum Shrub shall be the produce of a Distillery worked according to law in the European method, under license from the Board or other authority vested with the management of the Revenue derived from the Abkarry or Tax on Spirits.

VII. And it is hereby enacted, that the Rum and Rum Shrub manufactured for exportation to the United Kingdom under this Act at any Licensed Distillery, shall be manufactured pure without admixture of spirits made from Rice, Grains, or any other substance or substances not being the produce of the Sugar Cane, or of the Date, or Palm-tree, and shall be so declared and verified at the time of application for a Certificate of Origin according to the form of Schedule A.

VIII. And it is hereby enacted, that if any Rum or Rum Shrub that may be brought to any Custom House for exportation under this Act, shall be found to be adulterated or mixed contrary to the above prohibition, the same with the casks or materials

als in which it is contained shall be seized and confiscated; and the party or parties upon whose declaration, Certificate of manufacture free from adulteration or mixture may have been granted for the admission of such Rum or Rum Shrub to the privilege of exportation under this Act, as well as the party or parties who may have verified such declaration, shall be proceeded against for the false and fraudulent declaration as herein-under prescribed.

IX. And it is hereby enacted, that any person who shall in making any declaration under the authority of this Act knowingly affirm an untruth, shall, on conviction thereof before such Court as would be competent to try such person for perjury, be punished as in cases of perjury; and every person procuring another person to affirm such untruth, shall be liable to be punished as in cases of subornation of perjury; and any Officer of Government subscribing an attestation to the verity of such declaration, knowing the same to be untrue, shall be subject to a like penalty as the false Declarant, besides dismissal from the employment of Government.

T. H. MADDOCK, *Secy. to the Govt. of India.*

SCHEDULE A.

I, A. B., solemnly declare, that all the Rum or Rum Shrub herein-under described is the produce of the Licensed Distillery named ———— in the District of ————, and that the said Rum or Rum Shrub is the produce of the Sugar Cane, Date, or Palm-tree, and wholly free from any admixture of Spirits manufactured from Rice, Grains, or any other substance whatever.

(Signed) A. B.

The ——— day of ———————— 18—.

* I, B. B., Government Officer in charge on the part of Government of the ———————— Distillery, do hereby certify that the above is a true and correct Declaration.

B. B.
Government Officer attached to the ———————— Distillery.

Description of the ———————— to which the above Declaration relates.

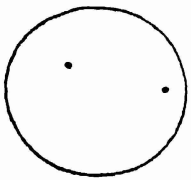
Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Marks on Package.

(Signed) A. B.

The —— day of ————————, 18—.
Collector's number ————.
Collector's date ———————— of ————————, 18—.

(Signed) Y. Z., *Collector.*

Seal of the Collector.



* This declaration must be drawn out before the Rum leaves the Distillery, in order that the attestation of the Government Officer may be attached.

SCHEDULE B.

I, C. D., Collector of Land Revenue (or Collector of Customs Revenue, or being an Officer appointed by the Governor-General of India in Council to act in this behalf,) for the District of ————, do hereby in conformity with the provisions of Act ———— grant this Certificate under my hand and seal, that the Rum or Rum Shrub described in the declaration hereunto annexed, which is sealed with the seal of this office, numbered ——— of ——— 18 ——— dated the ——— of ——— 18 —— and signed by ———— mannager or owner of the Licensed Distillery called ——— is the produce of the District of ————, and is declared to be free from any admixture of spirits manufactured from other substance than the Sugar-Cane, Date, or Palm-tree, and that the importation of Foreign Sugar and Rum, and of Sugar and Rum the growth or produce of any British possessions into which Foreign Sugar and Rum can be legally imported, is prohibited in the said District of ———.

(Signed) C. D.

L. S.

This —— day of ———— 18 ——.

SCHEDULE C.

I, E. F., Shipper of the Rum or Rum Shrub herein-under described, solemnly declare that all the Rum or Rum Shrub herein-under described, is, to the best of my knowledge and belief, the same Rum or Rum Shrub to which the Certificate now produced by me relates.

(Signed) E. F.

Description of ———— *to which this declaration relates.*

Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

(Signed) E. F.

The —— day of ———— 18 ——.

SCHEDULE D.

I, R. W., Collector of Customs (or being an Officer appointed by the Governor-General of India in Council to act in this behalf,) for the Port of ————, certify under my hand and seal, that there has been produced to me by E. F., the Shipper of the Rum or Rum Shrub herein-under described, a Certificate under the hand and seal of C. D., Collector of Land Revenue (or Collector of Customs Revenue, or being an Officer appointed by the Governor-General of India in Council to act in this behalf,) for the District of ————, in the Territories forming part of the Presidency of Fort William or Agra, which Certificate certifies that the said Rum or Rum Shrub is of the produce of the said District, and is declared

to be free from any admixture of spirits manufactured from other substance than the Sugar Cane, Date or Palm-tree, and that the importation of foreign Sugar and Rum, or Sugar and Rum the growth or produce of any British possessions into which foreign Sugar and Rum can be legally imported, is prohibited in the said District.

(Signed) R. W.,
Collector of Customs.

L. S.
The —— day of ———————— 18 ——.

Description of the ———————— to which the Certificate relates.

Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

(Signed) R. W.,
Collector of Customs.

Fort William,

LEGISLATIVE DEPARTMENT,

The 14th June, 1841.

The following Act passed by the Right Hon'ble the Governor-General of India in Council, on the 14th of June, 1841, is hereby promulgated for general information.

ACT No. VII. OF 1841.

An Act for a more uniform and an improved process for taking the examination of absent witnesses.

I. It is hereby enacted, that all Regulations and parts of Regulations for taking the examination of absent witnesses in any Presidency, are hereby repealed.

II. And it is hereby enacted, that it shall be lawful for any Court within the Territories under the Government of the East India Company, and the several Judges thereof, in every Civil proceeding depending in such Court, upon the application of any of the parties to such proceeding, to order the examination, upon interrogatories or otherwise, before any Officer of any such Court, or other person or persons named in such order, of any witnesses within the jurisdiction of the Court where the proceeding shall be depending, or to order a Commission to issue to any subordinate Court for the examination of such witnesses upon interrogatories or otherwise, or to order a Commission to issue to any other Court for the examination of witnesses at any place or places out of such jurisdiction upon interrogatories or otherwise, and by the same or any subsequent order or orders to give all such directions for taking such examinations as well within the jurisdiction of the Court wherein the proceeding shall be de-

pending as without, as may appear reasonable and just; provided always that any Court to whom any such Commission shall be directed, shall take the examination in open Court in all cases where witnesses are able to attend in Court, and are not exempted from attendance by law, absolutely, or at the discretion of the Court. Provided also that such Commissions as aforesaid for the examination of witnesses out of such jurisdiction may be directed otherwise than to some Court under special circumstances which may appear to the Court issuing the Commission to render such special direction expedient. Provided also that all Commissions issued and Orders made by any Court of the East India Company, and which are required to be executed within the local limits of any of Her Majesty's Supreme Courts, shall be directed in manner hereinafter mentioned.

III. And it is hereby enacted, that when any Order shall be made for the examination of witnesses within the jurisdiction of the Court wherein any such proceeding as aforesaid shall be depending by the authority of this Act, it shall be lawful for the Court or any Judge thereof, in and by the first Order to be made in the matter, or any subsequent Order, to command the attendance of any person to be named in such Order, and to direct the attendance of any such person to be at his own place of residence or elsewhere, if necessary or convenient so to do, and to produce all necessary documents and papers. And the wilful disobedience to any such Order shall be deemed a contempt of Court, and punishable as in other cases of refusing or neglecting to give testimony. Provided always that every person whose attendance shall be required under this Act, shall be entitled to the like payment for expenses and loss of time as upon attendance in Court in cases where such expences are now allowed.

IV. And it is hereby enacted, that it shall be lawful for every Court or person authorized, to take the examination of witnesses by any Order or Commission issued in pursuance of this Act; and they are hereby authorized and required to take all such examinations upon oath or affirmation where an affirmation is admissible or required upon a trial; and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and every person causing or procuring another person to commit the offence of perjury hereby defined shall be guilty of subornation of perjury.

V. And it is hereby enacted, that before any Order or Commission for the examination of any witness under this Act shall be issued, the Court or Judge issuing the same shall be satisfied that there is good reason for believing that the witness will be unable to attend at the usual time for examination by reason of absence from the jurisdiction, sickness or other cause allowed by law. And before granting any such Commission, the Court granting the same shall make particular inquiry as to the present residence of the witness whose deposition is to be taken under such Commission, and as to the Court of the same degree as the Court granting such Commission, or of inferior degree to such Court which may be nearest to the place of residence of the witness, and the Commission shall ordinarily be directed to such Court of equal or inferior degree as may most conveniently execute the same. Provided however that if there be doubt as to which is the most convenient Court of equal or inferior jurisdiction, such Commission may be directed to the Judge having jurisdiction within the district within which the Commission is to be executed. And the Judge shall at his discretion execute the Commission in his own Court, or direct it to any subordinate Court within his district, which shall have the same effect for all the purposes of this Act as if the Commission had in the first instance been directed to such subordinate Court. And no deposition taken under this Act, except as hereinafter mentioned, shall be read in evidence without the consent of the party against whom the

same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity, to attend to be personally examined, or distant without collusion more than 50 coss from the place where the Court is held, or exempted by law, absolutely or at the discretion of the Court, from personal appearance in Court, or unless the Court shall at its discretion dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same: and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court at its discretion to authorize the reading of the deposition. And all depositions taken under this Act, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

VI. And it is hereby enacted, that any Court, other than one of Her Majesty's Courts, or any Judge thereof, may issue such Commissions as aforesaid, and such Orders as are indicated in the second and third Sections of this Act to be executed within the local limits of the jurisdiction of any of Her Majesty's Courts; and all such Commissions and Orders, except when directed otherwise than to a Court, shall be directed to a Court of Requests having jurisdiction within such limits or any part thereof.

VII. And it is hereby enacted, that such Commissions and Orders as aforesaid may be issued for execution under this Act, within the territories of Princes and States in alliance with the East India Company, and all persons within such last mentioned territories being in the service of the East India Company are hereby required to pay obedience thereto, and for disobedience thereof shall, on being found within the jurisdiction of the Court, or Judge issuing any such Commission or Order, be punishable in like manner, as if such offence had been committed within such jurisdiction; and for giving false testimony under the same, shall be punishable by any Court of Justice within the territories of the East India Company.

VIII. And it is hereby enacted, that whenever the evidence of any absent witness shall be required out of the jurisdiction of the Court in which the proceedings for which the evidence is wanted may be pending, and the Commission shall be directed to any Court, such Court may punish the wilful disobedience of any such Order as aforesaid as a contempt, notwithstanding it shall not itself have made such order, with the same amount of punishment as in other cases of refusing or neglecting to give testimony.

T. H. MADDOCK, *Secy. to the Govt. of India.*

Fort William,

LEGISLATIVE DEPARTMENT.

The 28th June, 1841.

The following Act passed by the Right Hon'ble the Governor General of India in Council, on the 28th of June, 1841, is hereby promulgated for general information.

ACT No. IX. OF 1841.

An Act concerning the adjudication of certain penalties imposed by Act XXV. of 1840, *for the better protection of the Abkaree Revenue within the Presidency of Fort William in Bengal.*

1. It is hereby enacted in modification of Section XIV., Act XXV. of 1840, that Offenders punishable under the said Section of the said Act shall be liable to a

fine not exceeding 200 Rupees, or to imprisonment for a term not exceeding three months, and in case of non-payment of the fine to imprisonment not exceeding the same term. And the sentence shall, in every case, be adjudged by a Superintendent of Abkaree Revenue, indicated in Section II. of the said Act.

T. H. MADDOCK,
Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 5th July, 1841.

The following Act passed by the Right Honorable the Governor General of India in Council on the 5th of July, 1841, is hereby promulgated for general information.

ACT No. XI. OF 1841.

An Act for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the Service of the East India Company.

I. It is hereby enacted, that all Regulations and parts of Regulations concerning Military Courts of Requests are repealed: provided always that nothing in this Act contained shall be held to alter or affect the jurisdiction of a single Officer duly authorized and appointed under the Rules in force in the Madras and Bombay Presidencies for the trial of small suits in Military Bazars at Cantonments and Stations occupied by the troops of those Presidencies respectively, or the trial by Punchayet of suits against Military persons according to the Rules in force under the Madras Presidency.

II. And it is hereby enacted, subject to the aforesaid proviso, that within the territories of the East India Company actions of debt and other personal actions against Native Officers, Soldiers and other persons amenable to Articles of War for the Native Forces in the Military Service of the East India Company, or residing within any Station or Cantonment, and carrying on any trade or business, in a Military Bazar, shall be cognizable before a Military Court and not elsewhere, provided the value in question shall not exceed 200 Rupees, and the defendant was a person of the description above mentioned, when the cause of action arose, and when the suit was instituted. Provided that no suit shall be brought before any Military Court under this Act to determine any dispute of caste or concerning any right to real property.

III. And it is hereby enacted, that the Commanding Officer of any Station or Cantonment, or Officer commanding any portion of Troops in the field, is authorized to convene such Military Courts. And such Courts shall be composed, according to the orders of the Commander-in-Chief for the time being of the Presidency within which the Station or Cantonment is situate, or in the absence of such orders, according to the discretion of the Convening Officer, either of not less than three European Commissioned Officers, or of not less than three Native Commissioned Officers, and, in the latter case, with an European Officer of not less than five years' standing to superintend and record the proceedings. Provided that if there be not a sufficient number of Officers to constitute a Court at the Station or Cantonment where any cause of action may arise, or where the defendant may be residing, the suit shall be determined at the nearest Station or Cantonment where a Military Court can be duly constituted as aforesaid.

IV. And it is hereby enacted, that such Military Courts shall be convened monthly, and shall be holden on some convenient day before the issue of the pay for each month.

V. And it is hereby enacted, that the forms of proceeding in every such Court shall be conformable to the usages observed on trials before Courts Martial held for the Native Troops in the service of the East India Company as far as the same are applicable. And any such Court shall have the like power of summoning witnesses as is possessed by Courts Martial. Provided always, that every such Court shall have the power of examining the parties to any suit, and of requiring or dispensing with their attendance at its discretion. And every such Court shall have the like power of taking the examinations of absent parties and witnesses as is possessed by the Civil Courts of the East India Company, under No. Act VII. of 1841, provided that the depositions taken under a Commission issued by any Military Court of Requests shall be receivable in evidence before any such Court subsequently held; Provided also that Commissions may be issued by Military Courts of Requests under this Act pursuant to the provisions of Act No. VII. of 1841, notwithstanding the Courts to which the Commissions may be directed are not situate beyond the jurisdiction of such Military Courts.

VI. And it is hereby enacted, that witnesses omitting to attend, refusing to give evidence, or committing perjury, and persons suborning witnesses to commit perjury, shall be tried and punished, if amenable to Articles of War, by a Court Martial, subject to all the Rules contained in such Articles of War for the punishment of such offences in regard to trials for military offences; and if not amenable to Articles of War, they may be tried and punished in the nearest of the Courts of the East India Company for the administration of Criminal Justice (whether such Court have ordinarily jurisdiction over such person in criminal matters or not,) in like manner as if such offences had been committed in regard to any trial before such nearest Court.

VII. And it is hereby enacted, that any person, Civil or Military, European or Native, using menacing words, signs, or gestures, or otherwise interrupting (whether being personally present or not,) the proceedings of any Military Court of Requests shall be punishable, if amenable to Articles of War, by a Court Martial, or if not amenable to Articles of War, in the nearest of the Courts of the East India Company for the administration of Criminal Justice, (whether such Court have ordinarily jurisdiction over such person in criminal matters or not,) in like manner as if the offence had been committed in regard to any proceeding of the Court to which it is so referred.

VIII. And it is hereby enacted, that a record shall be kept of proceedings in every case tried before any Military Court of Requests. And such record shall contain the substance of the evidence given and the nature of such evidence as may have been rejected on the ground of its not being legally admissible, or relevant, or on other grounds, and the same shall be signed by the Members of the said Court. And such record, or a copy thereof, shall, with as little delay as is practicable, after the conclusion of the proceedings, be transmitted by the European President, or Superintending Officer of every such Court to the Officer Commanding the Station or Cantonment.

IX. And it is hereby enacted, that where a demand shall exceed the amount of 200 Rupees, or where several separate demands shall exceed such amount, no more shall be recoverable from any one defendant by the same plaintiff or plaintiffs than the sum of 200 Rupees only—and the judgment in respect of any demand in a Court of Requests shall be a bar to the recovery of the same demand or of any other, or further demand, for the same cause of action in any other Court whatever, provided that the liability accrued before the time of instituting the suit in the Military Court—and it shall be competent for every such Military Court to investigate any counter-claim alleged by any defendant. And it shall be competent for every such Military Court to allow the interest for money agreed on between the parties, provided the same does not exceed the usage of the country in ordinary money transactions. And every contract made after the passing of this Act upon which a demand for debt exceeding

50 Rupees is founded, not being money due for goods bought and delivered, shall be in writing, and expressed in the language of the defendant and signed by him, or on his behalf by some other person than the plaintiff. Provided that it shall not be competent to any Court of Requests to admit any suit for a debt which has accrued upwards of six years, unless a direct promise to pay, made within six years of the commencement of the suit, be proved.

X. And it is hereby enacted, that on failure of either of the parties to a suit to attend either personally or by representative, or to produce his witnesses according as he shall be required by any Military Court of Requests, such Court, on being satisfied that the party has been duly apprized of what is required of him, may proceed to the termination of the suit in his absence. And if the decree in any such case shall be against the plaintiff, it shall not be competent for him to commence a new suit for the same cause of action.

XI. And it is hereby enacted, that it shall be lawful for the Commanding Officer to whom the proceedings have been transmitted as aforesaid, to return the same for revision either by the same or another Military Court of Requests. And in every such case the second decree shall be final, unless for error in points of law, when the same shall be transmitted to the Commander-in-Chief, who shall have power to annul the proceedings without prejudice to any future suit. Provided always that in the case of any new trial the Court may receive evidence which was not adduced at the first trial.

XII. And it is hereby enacted, that every plaintiff shall prefer his claim in writing, and shall deliver the same to the Station Staff-Officer. The claims shall be entered in a Schedule by the Station Staff-Officer, which Schedule is to be sent to Adjutants of Corps, or Heads of Departments, two days at least before the assembly of the Court; and the Adjutants, or Heads of Departments, shall be responsible that the defendants belonging to their respective Corps or Establishments have been duly summoned.

XIII. And it is hereby enacted, that every decree of any Military Court of Requests shall be published in the Station Orders before the same is executed.

XIV. And it is hereby enacted, that the execution of decrees of Military Courts of Requests may be either general or special according to the sentence of the Court. Provided always that the Commanding Officer may, notwithstanding the direction of the Court, order that the execution shall be general or special at his discretion.

XV. And it is hereby enacted, that in cases in which the execution is to be general, the debt, if not paid forthwith, shall, under the authority of the Commanding Officer in writing to be signed by him, be levied by seizure and public sale of such of the debtor's goods (under which term are included houses or other erections within the limits of Stations and Cantonment,) as may be found within the limits of the Station or Cantonment, or elsewhere; and if sufficient goods are not to be found, the debtor, if not a Soldier, shall be arrested and imprisoned in any civil gaol near to the Station or Cantonment, for which purpose the provisions of Act No. 2 of 1840 shall be applicable,) or in any other convenient place of confinement situate within the limits of the Station or Cantonments, for the space of two months, unless the debt be sooner paid, and his goods, if found within the limits of the Station or Cantonments or elsewhere, at any subsequent time, shall be liable to be seized and sold in satisfaction of the debt. And if the debtor be a soldier and the debt be not liquidated by sale of his effects, accoutrements and necessaries excepted, an order may be issued for payment of the residue by monthly deduction from the pay issued to the debtor under the Rules which follow.

XVI. And it is hereby enacted, that where the execution is to be special, the debt shall be satisfied out of the pay and allowances of the debtor, and not otherwise.

And a certificate of the decree and direction or order thereon certified under the hand of the Commanding Officer, and signed by him, shall be sufficient authority for making such stoppages. Provided always that no more than one-half of the pay and allowances of any Commissioned Officer, or than one-fourth of the pay and allowances of any Non-Commissioned Officer or Soldier, shall be stopped in any one month.

XVII. And it is hereby enacted, that in places beyond the Frontier of the Territories of the East India Company, actions of debt, and other personal actions, may be brought before such Military Courts as aforesaid against persons so amenable as aforesaid for any amount of demand. Provided that such Military Courts beyond the Frontier shall be composed of European Officers—and provided, that if the amount of claim shall exceed 200 Rupees, an appeal shall lie to the Court of Sudder Adawlut of the nearest Presidency according to the rules in force with regard to appeals from subordinate Civil Courts.

XVIII. And it is hereby enacted, that this Act shall not affect the proceedings upon any suit heretofore commenced, or which shall be commenced before the tenth day of August next.

T. H. MADDOCK,
Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 19th July, 1841.

The following Act passed by the Right Honorable the Governor General of India in Council on the 19th of July, 1841, is hereby promulgated for general information.

ACT. No. XII. OF 1841.

An Act for amending the Bengal Code in regard to Sales of Land for Arrears of Revenue.

Preamble. I. Whereas it is deemed expedient, with a view to the benefit of the Agricultural Community, to regulate the number of periodical sales of Estates for Arrears of Revenue; to discontinue the levy of interest and penalty upon such arrears; to provide for the sale at fixed and known periods of Mehals, the whole of the Land Revenue due from which, may not have been discharged on or by appointed days; and otherwise to amend the laws for the realization of the Land Revenue:—

Regulations rescinded. It is hereby enacted, that Sec. 2, Reg. XIV. 1793; Section 2, Reg. III. 1794, Reg. XI. 1822, except Sections 36 and 38, and Reg. VII. 1830 are rescinded except in so far as they rescind other Regulations or parts of Regulations.

Interest and penalty abolished. II. And it is hereby enacted, that there shall be no demand of interest or penalty upon any arrear of Land Revenue which shall fall due after the date specified in Section XXXV. of this Act.

Days fixed for Sale III. And it is hereby enacted, that upon the promulgation of this Act the Sudder Board of Revenue at Calcutta, shall determine with regard to each permanently settled District or Zillah under their jurisdiction, the fixed dates in each year on which shall be commenced the process for realizing by sale of Mehals the arrears of Land Revenue due thereupon. And the said Board shall give notice of the dates so fixed in the Calcutta Gazette; and shall direct corresponding publication to be made, as far as regards each District, in the language

of that District, in the Office of the Collector, or other Officer duly authorized to hold sales under this Act, and in the Courts of the Judge, Magistrate, Principal Sudder Ameens, Sudder Ameens, and Sudder Moonsiffs; and the day so fixed shall not be changed until the same be changed by the said Board by advertisements and notifications in the manner above described; such advertisements and notifications to be issued, on every occasion after the first above provided for, at least three months before the close of the official year preceding that in which the new date or dates are to take effect. Provided always, that another notice shall also have been given for a period of not less than 15 clear days previous to each fixed date of sale by advertisement to be stuck up in each of the forenamed Offices and Courts, and the Collector shall be bound to furnish during this interval to all enquirers full particulars as to what estates are in balance, and the amount due on each.

Exception in unsettled Provinces and Benares.

IV. And it is hereby enacted, that in Districts not permanently settled, and in the Province of Benares, no sale shall take place for arrears of Land Revenue or other demand of Government without the special sanction of the Sudder Board of Revenue previously obtained in each several case of sale.

Definition of an Arrear.

V. And it is hereby enacted, that if the whole or a portion of a kist or instalment of any month of the year, according to which the settlement and kistbundee of any Mehal have been regulated be unpaid on the first of the following month of such year, the sum so remaining unpaid shall be considered an arrear of Revenue.

All Estates in arrear to be sold.

VI. And it is hereby enacted, that except as hereinafter excepted, all Estates from which at sun-set of the day preceding that fixed for a sale an arrear of Revenue may be due, shall on the said fixed day, or on the day or days following as hereinafter provided, be put up to public auction by and in the presence of the Collector or other Officer authorized by Government to exercise the powers of Collector in that behalf, and shall be sold to the highest bidder; and no payment or tender of payment made subsequent to sun-set of the day preceding that fixed for a sale shall bar or interfere with the sale either at or after its conclusion.

Claims to abatement and set off.

VII. And it is hereby enacted, that no claim to abatement or remission of Revenue unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever held or supposed to be held by any defaulter against Government shall bar a sale, or render a sale under this Act void or voidable, nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the Collector's hands, bar a sale or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone and without dispute, and unless after application in due time made by the defaulter, the Collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the estate.

Exceptions.

VIII. Provided always, and it is hereby enacted, that no estate shall be sold for the recovery of arrears or demands of the description mentioned below, otherwise than after a notification in the language of the District, specifying the nature and amount of the arrear or demand, shall have been affixed for a period of not less than fifteen clear days preceding the day of sale, in the Office of the Collector, or other Officer as aforesaid, by whom the sale is intended to be made, in the Court of the Judge within whose jurisdiction the land advertised lies, in the Courts of all the Principal Sudder Ameens, Sudder Ameens, and Moonsiffs of the District, and at the Police Thannah of the Division in which the estate to which the notice relates, or part of it is situated, the same to be certified by the receipt of the Officer at whose Office such publication may have been made; and also at the

Cutcherry of the Malgoozar of the estate, or at some conspicuous place upon the estate, the same to be certified by the peon or other person employed for the purpose. And it shall be declared in the said notification that no payment or tender of payment of the arrear or demand due, which may be made after sun-set of the day preceding the fixed day of sale, will bar or interfere with the sale either at or after the transaction.

First.—Arrears due from or to be recovered by the sale of estates not permanently settled.

Secondly.—Arrears other than those of the current or of the preceding year.

Thirdly.—Arrears due on account of estates other than that to be sold.

Fourthly.—Arrears of estates under attachment by order of the Judicial Authorities.

Fifthly.—Arrears due on account of Tuccavy, Poolbundee, or other demands not being Land Revenue, but recoverable by the same process as arrears of Land Revenue.

Payments by non-proprietors.

IX. And it is hereby enacted, that Collectors shall, at any time before sun-set of the day preceding the fixed day of sale receive as a deposit from any party not being a proprietor of the estate in arrear, the amount of the arrear of Revenue due from it, to be carried to the credit of the said estate at sun-set as aforesaid, unless before that time the arrear shall have been liquidated by a proprietor of the estate. And in case the party so depositing, whose money shall have been credited to the estate in the manner aforesaid, shall be a plaintiff in a suit pending before a Court of Justice for the possession of the same or any part thereof, it shall be competent to the Judge of the Zillah in which such estate is situated, to order the said party to be put into temporary possession of the said estate, subject to the rules in force for taking security in the case of appellants and defendants. And if the party depositing whose money shall have been credited as aforesaid shall prove before a competent Civil Court that the deposit was made in order to protect an interest of the said party, which would have been endangered, or damaged by the sale of the estate, he shall be entitled to recover the amount of the deposit with interest, from the proprietors of the said estate.

Ward's Estates and Minor's.

X. And it is hereby enacted, that no estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards; and no estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. 1822, shall be sold for arrears of Revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years. And no estate held under attachment by the Revenue Authorities, otherwise than by order of a Judicial Authority, shall be liable to sale for arrears accruing whilst it was so held under attachment.

Attached by a Revenue Officer.

Attached by a Court.

And no estate held under attachment by a Revenue Officer, in pursuance of an order of a Judicial Authority, shall be liable to sale for the recovery of arrears of Revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

Exemption from sale.

XI. And it is hereby enacted, that it shall be competent to the Collector at any time before the sale of an estate shall have commenced to exempt such estate from sale; and in like manner it shall be competent to the Commissioner of Revenue at any time before the sale of an estate shall have commenced to exempt such estate from sale, by a special order to the Collector to that effect

in each case; and no sale of an estate shall be legal if held after the receipt of an order of exemption in respect to such estate. Provided, however, and it is hereby enacted, that the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector of the order for exempting it from sale.

Proviso.

XII. And it is hereby enacted, that sales shall ordinarily be made by the Collector or other Officer duly authorized by Government in that behalf in the Land Revenue Cutcherry at the Sudder Station of the District, provided, however, that it shall be competent to the Sudder Board to prescribe a place for holding sales other than such Cutcherry whenever they shall consider it beneficial to the parties concerned.

Adjournment.

XIII. And it is hereby enacted, that in case the Collector, or other Officer as aforesaid, shall be unable from sickness, from the occurrence of a holiday, or from any other cause to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable, from any cause, to complete it, he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his Cutcherry; and so on, from day to day until he shall be able to commence upon, or to complete the sale, but with the exception of adjournments so made, recorded, and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

Order of sale.

XIV. And it is hereby enacted, that on the day of sale fixed according to Section VII. of this Act, sales shall proceed in regular order; the estate to be sold bearing the lowest number on the Towjee or Registers in use in the Collector's Office of the District being put up first, and so on, in regular sequence; and it shall not be lawful for the Collector or other Officer as aforesaid to put up any estate out of its regular order by number.

Deposit on purchase.

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an estate at any such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale as the Collector may think necessary, either in Cash, Bank of Bengal Notes or Post Bills, or Government Securities duly indorsed, 25 per cent, on the amount of his bid, and in default of such deposit, the estate shall, forthwith, be put up again and sold.

Balance of purchase money.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the estate bought by him took place, reckoning that day as one of the thirty: or if the thirtieth day be a Sunday or other close holiday, then on the first office day after the thirtieth: and in default of payment within the prescribed period as aforesaid, then and afterwards as often as such default shall occur, the deposit shall be forfeited to Government, the estate shall be resold, and the defaulting purchaser shall forfeit all claim to the estate, or to any part of the sum for which it may subsequently be sold, and in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of Public Revenue, and it shall be so levied and credited to the defaulting proprietor of the estate sold, and if default of payment to purchase money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids. Provided always, that every such re-sale shall be made after notification and in the forms prescribed by Section VIII. of this Act.

Rents stopped after notice for sale.

XVII. And it is hereby enacted, that whenever an estate shall have been sold as aforesaid, the Collector, or other Officer as aforesaid, shall affix a proclamation in the language of the District in his Cutcherry; and as soon thereafter as may be in the Cutcherries of the Moonsiffs and of the Darogahs of Police, within whose jurisdiction or jurisdictions any part of such estate, may be situated; and also at the Cutcherry of the Malgoozar of such estate; or on some conspicuous place on such estate, forbidding the ryots and under-tenants of such estate, to pay rent falling due subsequent to the date therein specified, and up to the date of the subsequent notice hereinafter prescribed by Section XXI. of this Act, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid within the period aforesaid.

Appeal.

XVIII. And it is hereby enacted, that it shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XVI., or if preferred to the Collector for transmission to the Commissioner on or before the tenth day from the day of sale, and not otherwise: and the Commissioner shall be competent in every case of appeal so preferred, to annul any sale of an estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the proprietor of any moderate compensation, for his loss, if the sale shall have been occasioned by neglect of the proprietor, such compensation not to exceed interest, at the current rate of Government Securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's Office, and the order of the Commissioner shall, in such cases, be final.

Government may restore Estate.

XIX. And it is hereby enacted, that it shall be competent to the Commissioner of Revenue on the ground of hardship or injustice to suspend the passing of final orders in any case of appeal from a sale and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the Local Government to annul the sale; and the Local Government in any such case, may annul the sale and cause the estates to be restored to the proprietor on such conditions as may appear equitable and proper.

Sale when to be final.

XX. And it is hereby enacted, that all sales of which the purchase money has been paid up as prescribed in Section XVI. of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale, reckoning the said day of sale, as the first of the said thirty days. And sales against which an appeal may have been preferred, and the appeal dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal if more than thirty days from the day of sale, or if less, then at noon of the thirtieth day as above provided.

Certificate of Title.

XXI. And it is hereby enacted, that immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid, shall give to the purchaser a Certificate of title in the following form:

I certify that A. B. has purchased at Public Auction under Act XII. of 1841, Mehal C, and that his purchase has taken effect on and since the ——— day of ——— ——— (being the date of sale.)

(Signed) D. E. *Collector.*

And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the estate sold being vested in the person or persons named from the date specified: and the Collector shall also notify such transfer by written proclamation in his own Cutcherry, and in those of the Moonsiff and Darogah of the jurisdictions

within which any part of the estate sold shall be situated, and also at the Cutcherry of the Malgoozar of the estate, or on some conspicuous place on the Estate; and shall apply the purchase money first to the liquidation of all arrears due upon the day of sale, or upon the day of the original sale, if the sale finally consummated be a resale; and secondly, to the liquidation of all outstanding demands debited to the Muhal in the Public accounts of the district, holding the residue, if any, in deposit on account of the late recorded proprietor or proprietors of the estate sold, to be paid to their receipt on demand in the manner following; to wit, in shares proportioned to their recorded interest in the estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of proprietors upon their joint receipt. Provided that, if prior to payment of any surplus that may remain of the purchase money after liquidation of all Government arrears and dues to the proprietor of the estate sold, or his representative, the same be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor, such surplus shall not be payable to any such claimant, nor shall it be withheld from the proprietor by attachment, except under precept, and in satisfaction of Decrees of Court for such debts. And if the balance of purchase money have in any such case been paid away in liquidation of the proprietor's just debts by order of any Court, and a Decree shall afterwards pass for annulling the sale, the proprietor shall not be restored to possession until the amount so paid away be returned by him with interest.

Benamee purchase.

XXII. And it is hereby enacted, that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

Notice of annulment.

XXIII. And it is hereby enacted, that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other Officer as aforesaid in the same manner as the becoming final and conclusive of sales is required to be notified by Section XXI. of this Act, and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser, with interest thereon, at the highest rate of the current public securities, from the dates on which they were respectively paid in, to the date on which the refund is actually made.

Purchase liable for Mesne Revenue.

XXIV. And it is hereby enacted, that the party certified as the proprietor of an estate by purchase at public sale for the recovery of arrears of Revenue shall be answerable for all instalments of the Revenue of Government which may fall due subsequently to the day of sale: provided, however, that in the case of re-sales the purchaser shall be answerable for all instalments of Revenue which fell due subsequently to the day of the first sale.

Grounds, and conditions of reversal by a Civil Court.

XXV. And it is hereby enacted, that no sale for arrears of Revenue or other demands realizable in the same manner, made after the taking effect of this Act, shall be set aside by a Court of Justice, except upon the ground of its having been made contrary to the provisions of this Act: And except the contravention thereto shall have been declared and specified in an appeal made to the Commissioner, under Section XVIII. of this Act, and except the action in the Civil Court be instituted within one year, from the date of the sale becoming final and conclusive, as provided in Section XX. of this Act: And no person shall be entitled to contest the legality of a sale after having received any portion of the purchase money: Provided, however, and it is hereby enacted, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or circumstance connected with a sale under this Act, from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged.

Proviso.

Refund on reversal of sale.

XXVI. And it is hereby enacted, that in the event of a sale being reversed by a final decree of a Court of Justice, the purchase money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current public securities.

Enhancement of rents in Bengal, &c.

XXVII. And it is hereby enacted, that the purchaser of an estate sold under this Act, for the recovery of arrears due on account of the same, in the permanently settled districts of Bengal, Behar, Orissa, and Benares, shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled after notice given under Section X. Regulation V. 1812, to enhance at discretion, (any thing in the existing Regulations to the contrary notwithstanding) the rents of all under-tenures in the said estate, and to eject all tenants thereof, with the following exceptions:

First. Tenures which were held as Istemraree or Mocurreree at a fixed rent, more than 12 years before the permanent Settlement.

Secondly. Tenures existing at the time of the Decennial Settlement, which have not been, or may not be proved to be liable to encrease of assessment, on the grounds stated in Section LI. Regulation VIII. of 1793.

Thirdly. Lands held by Khood Kasht or Keedumee Ryots having rights of occupancy at fixed rents or at rents assessable according to fixed rules under the Regulations in force.

Fourthly. Lands held under bonâ fide leases, at fair rents, temporary or perpetual, for the erection of dwelling houses, or manufactories, or for mines, gardens, tanks, canals, places of worship, burying grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly. Farms granted in good faith at fair rents and for specified areas by a former proprietor, for terms not exceeding twenty years, under written leases, registered within a month from their date. Provided that a written notice, specifying full particulars of the position, rent and area of the lands, the terms of the lease and the names of the parties shall at the same time be given by the latter to the Collector in every case, and the Collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the Public Revenue will be materially affected thereby. The exception declared in this Clause shall not extend to leases objected to by the Collector, by a notification to be fixed up in his Office, with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties. Provided also, that a purchaser of an estate at a sale for arrears of Revenue shall be at liberty by suit in Court to set aside all such farms, although the same be under written and duly registered leases and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

Under tenure elsewhere.

XXVIII. And it is hereby enacted, that the purchaser of an estate sold under this Act for the recovery of arrears due on account of the same in Districts other than those mentioned in Section XXVII. shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be competent to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots or the like settled or credited by the first engager or his representatives, subsequently to the last settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, saving always and except bonâ fide leases of ground for the erection of dwelling houses, or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, water-courses, or the

like purposes, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided that nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by the former Malgoozar, except in cases in which such persons may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former Malgoozars from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the Pergunnah, Mouzah, or other local division such persons are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

Local Government may reserve all under tenures.

XXIX. And it is hereby enacted, that it shall be competent to the Local Government when it shall seem proper at any time before a sale for arrear shall have been actually made, to direct it to be made, subject to the leases, assignments, or other incumbrances, with which a proprietor in possession, his ancestors, or predecessors may have burthened his assessed Estate, or to such of them as shall appear proper. In all such cases, notice of the condition imposed by the Local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the Local Government may direct: provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there shall appear ground to apprehend, that by reason of the restriction the future realization of the Revenue will be endangered, it shall be competent to the Local Government at any time before such restricted sale shall have become final and conclusive in the manner laid down in Section XX. of this Act, to direct the sale to be cancelled, and a new sale of the estate to be made without other restrictions than those contained in the exception specified in Clauses 1 to 5 of Section XXVII. of this Act. If after the Sale has become final and conclusive, occasion should again rise to bring to sale for arrears an estate purchased with a restriction of the above description, it shall at all times be competent to the Local Government to direct that the *Muhal* shall be sold without any other restriction than those contained in the exceptions specified in Clauses 1 to 5 of Section XXVII. of this Act, or with the reservation before reserved. In the former event, should the purchase money realized by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the Local Government to direct a portion, or the whole of the excess to be paid to persons whose interests having been reserved at the first, shall become void at the second sale.

Purchase by a recorded or unrecorded proprietor or co-partner, &c.

XXX. And it is hereby enacted, that excepting co-partners of estates under Butwarrah who may have saved their shares from sale under Sections 33 and 34, Regulation XIX. 1814, any recorded or unrecorded proprietor or co-partner who may purchase in his own name or in the name of another the estate of which he is proprietor or co-partner; or who by re-purchase or otherwise, may recover possession of the said estate after it has been sold for arrears under this Act; and likewise any purchaser of an estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the estate subject to all its encumbrances existing at the time of sale and shall not acquire any rights in respect to ryots and under-tenants which were not possessed by the previous proprietor at the time of the sale of the said estate.

Arrears of rent. XXXI. And it is hereby enacted, that arrears of rent which at the date of sale may be due to the defaulter from his tenants, shall be recoverable by him after a sale by any process except distraint which might have been used by him for that purpose before the sale was made.

Contempt. XXXII. And it is hereby enacted, that any Collector or Officer exercising the powers of Collector, in respect to Sales, shall be competent to punish any contempt committed in his presence in open Cutcherry or Office for the time being, by fine, to an extent not exceeding Co.'s Rs. 200, commutable, if not paid, to imprisonment in the civil jail for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Collector as aforesaid, shall carry his sentence into effect. Provided that an appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

Default. XXXIII. And it is hereby enacted, that a default to make good a bid by making the deposit required by Section XV. of this Act shall be held to be a contempt.

Operation of Act XXXIV. And it is hereby enacted, that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa and Benares, now subject to the General Regulations and to the Ceded and Conquered Provinces similarly subject to the General Regulations under the Government of the Presidencies of Fort William in Bengal, and nothing in this Act contained shall affect land in the Town of Calcutta or the Settlements of Singapore, Penang or Malacca.

Date of effect. XXXV. And it is hereby enacted, that this Act shall have effect on and after the first day of January, 1842.

T. H. MADDOCK,
Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 16th August, 1841.

The following Act passed by the Right Hon'ble the Governor General of India in Council on the 16th of August, 1841, is hereby promulgated for general information.

ACT No. XIII. OF 1841.

An Act for explaining the provisions of Act No. XXV. of 1836.

I. It is hereby declared and enacted, that the import Duty on Wine and Spirits in Casks, shall be settled on the quantities registered at the time of Importation without any deduction whatsoever: Provided always, that the keeper of every Warehouse indicated by Act No. XXV. of 1836 shall in accounting with the Customs' Department for the article so warehoused, be allowed ullage on such Wine and Spirits at the rate of 10 per cent for one year, according to the time for which such Wine and Spirits shall have been lodged.

T. H. MADDOCK, *Secy. to the Govt. of India.*

Fort William,

LEGISLATIVE DEPARTMENT,

The 23rd August, 1841.

The following Act passed by the Right Hon'ble the Governor General of India in Council, on the 23rd of August, 1841, is hereby promulgated for general information.

Act No. XV. of 1841.

An Act for exempting Residents within Calcutta from giving Security in Suits in the Mofussil Courts on certain occasions.

I. Whereas great inconvenience has been experienced by Residents within Calcutta by reason of their being obliged to give security in suits in the Mofussil Courts, under Regulation IX. of 1819, Section 7. And whereas there is no occasion for requiring such security now that by Act No. XXIII. of 1840, property within Calcutta is liable to be seized under the process of the Mofussil Courts :—

It is hereby enacted, that Section 7, Regulation IX. of 1819, of the Bengal Code, is hereby repealed.

T. H. MADDOCK,
Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 30th August, 1841.

The following Act, passed by the Right Honorable the Governor General of India in Council on the 30th of August, 1841, is hereby promulgated for general information.

Act No. XVI. of 1841.

An Act concerning the taking of Oaths of Qualification by Justices of the Peace.

I. Whereas inconvenience has arisen in consequence of pursuing the course heretofore deemed necessary for taking of Oaths by Justices of Peace, in order that they may be duly qualified to act under Commissions of the Peace,—It is hereby enacted, that all persons who are, or shall be nominated and appointed in any Commission of the Peace, shall be capable of acting as Justices of the Peace in every respect, according to the tenor of such Commission, upon taking and subscribing in any Civil or Criminal Court of Justice within the places in and for which any such Commission shall have issued before the Officer presiding in such Court, whether such Officer be a Justice of the Peace or not, the Oaths appointed to be taken by Justices of the Peace; and the subscription of such persons to the said Oaths shall be deposited and kept with the Records of the Courts of Justice in which the said Oaths shall have been administered.

II. And it is hereby enacted, that every Justice of the Peace who, before the passing of this Act, shall have had administered to him the Oaths of Qualification by any other Justice of the Peace, shall be deemed to have been duly qualified to act as a Justice of the Peace from the time of taking such Oath, and shall continue so qualified notwithstanding such Oath may not have been taken in a Court of Justice as required by any previous Law, or by this Act.

T. H. MADDOCK, *Secy. to the Govt. of India.*

Fort William,

LEGISLATIVE DEPARTMENT,

The 30th August, 1841.

The following Act, passed by the Right Hon'ble the Govenor General of India in Council on the 30th of August, 1841, is hereby promulgated for general information.

Act No. XVII. of 1841.

An Act for amending the proceedings in appeals before the Courts of Sudder Dewanny and Nizamut Adawlut in the Presidency of Fort William in Bengal.

It is hereby enacted, that it shall be competent to either of the Courts of Sudder Dewanny and Nizamut Adawlut, within the Territories subject to the Presidency of Fort William in Bengal, by an Order, under the signature of the Register of such Court, to transfer to such Register the duty of preparing appealed causes for trial, and of executing the decrees and orders of the said Courts, and to authorize him to issue the necessary process, and to proceed thereupon agreeably to the Rules prescribed by the general Regulations of Government.

II. And it is hereby enacted, that in proceedings before the said Courts it shall not be necessary to take any security for costs; and it shall be competent for the said Courts of Sudder Dewanny and Nizamut Adawlut to frame such Rules of Practice for the due exercise of the Civil and Criminal Jurisdiction vested by the Regulations in those Courts, as may from time to time be found requisite. And such rules when so framed shall be submitted to the Governor General of India in Council; and after the same shall have been approved by the said Governor General of India in Council, they shall be of the same force as if they were inserted in this Act.

T. H. MADDOCK,
Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 30th August, 1841.

The following Act, passed by the Right Hon'ble the Governor General of India in Council on the 30th of August, 1841, is hereby promulgated for general information.

Act No. XVIII. of 1841.

An Act for consolidating and amending the enactments concerning the exportation of Military Stores.

I. It is hereby enacted, that Arms, Ammunition and Military Stores (with the exception of Arms in the possession of Individuals for private use) shall not be exported, or otherwise taken from the territories of the East India Company, without a license from a Public Officer or Officers for each Presidency, to be indicated by the Governments of the respective Presidencies, for the purpose of granting such licenses, and a full compliance with all such rules and conditions as may be prescribed for the guidance of such Officer or Officers in regard to such exports by the aforesaid Governments respectively. And any Arms, Ammunition or Military Stores which any person shall export, or attempt to export, or take as aforesaid, contrary to this Act,

shall thereby become forfeited, on the award of the Officer or Officers authorized as aforesaid to grant licenses, or the Collector of Customs, and every person offending in the premises contrary to this Act shall be liable, on conviction before a Magistrate, to a penalty not exceeding 500 Rupees.

II. And it is hereby enacted, that any person who shall collect or keep in one place, or within places not exceeding three miles in distance from each other, any quantity of gunpowder exceeding fifty pounds, without a license from such Officer as aforesaid, shall be liable, on conviction before a Magistrate, to a penalty not exceeding 500 Rupees, and such gunpowder shall become forfeited on the award of the Officer or Officers authorized to grant licenses as aforesaid, or the Collector of Customs.

III. And it is hereby enacted, that it shall be lawful for any of the Governments aforesaid, to allow at any port or ports, the exportation of Arms, Ammunition and Military Stores as aforesaid, without any such license as aforesaid, as they shall deem expedient.

T. H. MADDOCK,
Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 6th September, 1841.

The following Act passed by the Right Hon'ble the Governor General of India in Council on the 6th of September, 1841, is hereby promulgated for general information.

ACT No. XIX. OF 1841.

Act for the protection of moveable and immoveable property against wrongful po session in cases of successions.

I. Whereas much inconvenience has been experienced, where persons have died possessed of moveable and immoveable property, and the same has been taken upon pretended claims of right by gift or succession; the difficulty of ascertaining the precise nature of the moveable property in such cases, the opportunities for misappropriating such property and also the profits of real property, the delays of a regular suit when vexatiously protracted, and the inability of heirs when out of possession to prosecute their rights, affording strong temptations for the employment of force or fraud in order to obtain possession. And whereas, from the above causes, the circumstance of actual possession, when taken upon a succession, does not afford an indication of rightful title equal to that of a decision by a Judge after hearing all parties in a summary suit, though such summary suit may not be sufficient to prevent a party removed from possession thereby from instituting a regular suit. And whereas such summary suit, though it will take away many of the temptations which exist for assuming wrongful possession upon a succession will be too tardy a remedy for obviating them all, especially as regards moveable property. And whereas it may be expedient, prior to the determination of the summary suit, to appoint a Curator to take charge of property upon a succession, where there is reason to apprehend danger of misappropriation, waste or neglect, and where such appointment will, in the opinion of the authority making the same, be beneficial under all the circumstances of the case. And whereas it will be very inconvenient to interfere with successions to estates by the appointment of Curators, or by summary suits, unless satisfactory

grounds for such proceedings shall appear, and unless such proceedings shall be required by or on the behalf of parties giving satisfactory proof that they are likely to be materially prejudiced if left to the ordinary remedy of a regular suit:—

It is hereby enacted, that whenever a person dies leaving property, moveable or immoveable, it shall be lawful for any person claiming a right by succession thereto, or to any portion thereof, to make application to the Judge of the Court of the District where any part of the property is found or situate for relief, either after actual possession has been taken by another person, or when forcible means of seizing possession are apprehended.

II. And it is hereby enacted, that it shall be lawful for any agent, relative, or near friend, or for the Court of Wards in cases within their cognizance, in the event of any minor, disqualified, or absent person being entitled by succession to such property as aforesaid, to make the like application for relief.

III. And it is hereby enacted, that the Judge to whom such application shall be made shall, in the first place enquire by the solemn declaration of the complainant, and by witnesses and documents at his discretion, whether there be strong reasons for believing that the party in possession or taking forcible means for seizing possession has no lawful title, and that the applicant, or the person on whose behalf he applies is really entitled, and is likely to be materially prejudiced if left to the ordinary remedy of a regular suit, and that the application is made bonâ fide.

IV. And it is hereby enacted, that in case the Judge shall be satisfied of the existence of such strong ground of belief but not otherwise, he shall cite the party complained of, and give notice of vacant or disturbed possession by publication, and after the expiration of a reasonable time shall determine summarily the right to possession (subject to regular suit as hereinafter mentioned) and shall deliver possession accordingly—provided always that the Judge shall have the power to appoint an Officer who shall take an inventory of effects, and seal or otherwise secure the same, upon being applied to for the purpose, without delay, whether he shall have concluded the enquiry necessary for citing the party complained of or not.

V. And it is hereby enacted, that in case it shall further appear upon such application and examination as aforesaid that danger is to be apprehended of the misappropriation or waste of the property before the summary suit can be determined, and that the delay in obtaining security from the party in possession, or the insufficiency thereof is likely to expose the party out of possession to considerable risk, provided he be the lawful owner; it shall be lawful for the Judge to appoint one or more Curators with the powers hereinafter next mentioned, whose authority shall continue according to the terms of his or their respective appointments, and in no case beyond the determination of the summary suit and the confirmation or delivery of possession in consequence thereof. Provided always that, in the case of land, the Judge may delegate to the Collector or to his officer the powers of a Curator, and also that every appointment of a Curator in respect of any property be duly published.

VI. And it is hereby enacted, that the Judge shall have power to authorize such Curator, either to take possession of the property generally, or until security be given by the party in possession, or until inventories of the property shall have been made, or for any other purpose necessary for securing the property from misappropriation or waste by the party in possession. Provided always, that it shall be entirely discretionary with the Judge, whether he shall allow the party in possession to continue in such possession, on giving security, or not, and any continuance in possession shall be subject to such orders as the Judge may issue touching inventories, or the securing of deeds or other effects.

VII. And it is hereby enacted, that the Judge shall exact from the Curator security for the faithful discharge of his trust, and for rendering satisfactory accounts of the same as hereinafter mentioned, and may authorize him to receive out of the property such remuneration as shall appear reasonable, but in no case exceeding 5 per centum on the personal property and on the annual profits of the real property. All surplus monies realized by the Curator shall be paid into Court, and invested in public Securities for the benefit of the persons entitled thereto upon adjudication of the summary suit. Provided always, that although security shall be required from the Curator with all reasonable despatch, and where it is practicable, shall be taken generally to answer all cases for which the person may be afterwards appointed Curator, yet no delay in the taking of security shall prevent the Judge from immediately investing the Curator with the powers of his office.

VIII. And it is hereby enacted, that, where the estate of the deceased person shall consist wholly or in part of land paying revenue to Government, in all matters regarding the propriety of citing the party in possession, of appointing a Curator, and of nominating individuals to that appointment, the Judge shall demand a report from the Collector, and the Collector is hereby required to furnish the same. In cases of urgency the Judge may proceed, in the first instance, without such report, and he shall not be obliged to act in conformity thereto, but, in case of his acting otherwise than according to such report, he shall immediately forward a statement of his reasons to the Court of Sudder Dewany Adawlut, and the Court of Sudder Dewany Adawlut, if they shall be dissatisfied with such reasons, shall direct the Judge to proceed conformably to the report of the Collector.

IX. And it is hereby enacted, that the Curator shall be subject to all orders of the Judge regarding the institution or the defence of suits, and that all suits may be instituted or defended in the name of the Curator on behalf of the estate. Provided that an express authority shall be requisite in the sunnud of the Curator's appointment for the collection of debts or rents; but such express authority shall enable the Curator to give a full acquittance for any sums of money received by virtue thereof.

X. And it is hereby enacted, that pending the custody of the property by the Curator, it shall be lawful for the Judge to make such allowances to parties having a primâ facie right thereto as upon a summary investigation of the rights and circumstances of the parties interested, he shall consider that necessity may require, taking, at his discretion, security for the repayment thereof with interest, in case the party shall, upon the adjudication of the summary suit, appear not to be entitled thereto.

XI. And it is hereby enacted, that the Curator shall file monthly accounts in abstract, and at the period of every three months, if his administration last so long, and upon giving up the possession of the property file a detailed account of his administration to the satisfaction of the Judge.

XII. And it is hereby enacted, that the accounts of any such Curator as is above described shall be open to the inspection of all parties interested; and it shall be competent for any such interested party to appoint a separate person to keep a duplicate account of all receipts and payments by such Curator. And if it be found that the accounts of any such Curator are in arrear, or if they shall be erroneous or incomplete, or if the Curator shall not produce them whenever he shall be ordered to do so by the Judge, he shall be liable to a fine not exceeding one thousand Rupees for every such default.

XIII. And it is hereby enacted, that after the Judge of any district shall have appointed any Curator, such appointment shall preclude the Judge of any other

district within the same Presidency from appointing any other Curator, provided the first appointment be in respect of the whole of the property of the deceased. But if the appointment be only in respect of a portion of the property of the deceased, this shall not preclude the appointment within the same Presidency of another Curator in respect of the residue or any portion thereof; provided always that no Judge shall appoint a Curator or entertain a summary suit in respect of property which is the subject of a summary suit previously instituted under this Act before another Judge—and provided further, that if two or more Curators be appointed by different Judges for several parts of an estate, it shall be lawful for the Sudder Dewany Adawlut to make such order as it shall think fit for the appointment of one Curator of the whole property.

XIV. And it is hereby provided, that this Act shall not be put in force, unless the aforesaid application to the Judge be made within six months of the decease of the proprietor, whose property is claimed by right in succession.

XV. And it is hereby enacted, that this Act shall not be put in force to contravene any public act of Settlement. Neither in cases in which the deceased proprietor shall have given legal directions, for the possession of his property after his decease in the event of minority or otherwise, in opposition to such directions, but, in every such case, so soon as the Judge having jurisdiction over the property of a deceased person, shall be satisfied of the existence of such directions, he shall give effect thereto.

XVI. And it is hereby provided, that this Act shall not be put in force, for the purpose of disturbing the possession of the Court of Wards of any Presidency; and in case a minor, or other disqualified person whose property shall be subject to the Court of Wards, shall be the party on whose behalf application is made under this Act, the Judge if he determines to cite the party in possession and also to appoint a Curat r, shall invest the Court of Wards with the Curatorship of the estate pending the suit without taking such security as aforesaid, and in case the minor or other disqualified person shall, upon the adjudication of the summary suit appear to be entitled to the property, possession shall be delivered to the Court of Wards.

XVII. And it is hereby provided, that nothing in this Act contained shall be any impediment to the bringing of a regular suit either by the party whose application may have been rejected, before or after citing the party in possession, or by the party who may have been evicted from the possession under this Act.

XVIII. And it is hereby enacted, that the decision of the Judge upon the summary suit under this Act shall have no other effect than that of settling the actual possession; but that for this purpose it shall be final, not subject to any appeal or order for review.

XIX. And it is hereby enacted, that it shall be lawful for the Governments of the respective Presidencies to appoint public Curators for any district or number of districts. And the Judge having jurisdiction shall nominate such public Curator or Curators in all cases where the choice of a Curator is left discretionary with him under the preceding provisions of this Act.

XX. And it is hereby enacted, that whenever a person dies leaving moveable or immoveable property within the local limits of the jurisdiction of any of Her Majesty's Supreme Courts, and such Court shall be satisfied that danger is to be apprehended of the misappropriation and waste of the property before it can be ascertained who may be legally entitled to the succession to such property, it shall be lawful for the said Court to authorize and enjoin the Ecclesiastical Registrar, or one or more Curators to collect such effects and hold or deposit or invest the same

in such manner and place and upon such security and subject to such orders and directions as the Court may deem expedient.

T. H. MADDOCK,
Secy. to the Govt of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 6th September, 1841.

The following Act passed by the Right Honorable the Governor General of India in Council on the 6th of September, 1841, is hereby promulgated for general information.

ACT No. XX. OF 1841.

Act for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons.

I. Whereas it is expedient to provide greater security for persons paying to the Representatives of deceased Hindoos, Mahomedans, and others not usually designated as British Subjects, debts which are payable in respect of the estates of such deceased persons, and to facilitate the collection of such debts by removing all doubts as to the legal title to demand and receive the same:—

No debt recoverable without a certificate.

It is hereby enacted, that no debtor of any deceased person shall be compelled in any Court of Law to pay his debt to any person claiming to be entitled to the effects of any deceased person or any part thereof, except on the production of a certificate to be obtained in manner hereinafter mentioned, or of a Probate or Letters of Administration, unless the Court shall be of opinion that payment of the debt is withheld from fraudulent or vexatious motives, and not from any reasonable doubt as to the party entitled.

Manner of obtaining certificate.

II. And it is hereby enacted, that the Zillah or District Court within the jurisdiction of which any part of the property of the deceased may be found shall have authority to grant a certificate under this Act. The applicant in his petition shall set forth his title. The Judge shall issue notice of application, inviting claimants, and fixing a day for hearing the petition, and upon the appointed day, or as soon after as may be convenient shall determine the right to the certificate, and grant the same accordingly.

Effect of certificate.

III. And it is hereby enacted, that the certificate of the District or Zillah Judge shall be conclusive of the representative title against all debtors to the deceased, and shall afford full indemnity to all debtors paying their debts to the person in whose favor the certificate has been granted.

Security taken from grantee of certificate.

IV. And it is hereby enacted, that the District or Zillah Judge may take such security as he shall think necessary from any person to whom he shall grant a certificate for rendering an account of debts received by him, and for indemnity of persons who may be entitled to the whole or any part of the monies received by virtue of such certificate, whose right to recover the same by regular suit against the holder of the certificate is not affected by this Act.

Decision of Judge how far final.

V. And it is hereby enacted, that the granting of such certificate may be suspended by an appeal to the Court of Sudder Dewanny Adawlut, which Court may declare the party to whom the certificate should be granted or may direct such further proceedings for the investigation of the title as it

shall think fit. The Court may also upon petition, after a certificate shall have been granted by the District or Zillah Judge, grant a fresh certificate in supersession of the certificate granted by the District or Zillah Judge, and such fresh certificate shall not affect any payments made to the person to whom any former certificate may have been granted without notice that the same has been superseded, but shall entitle the person named therein to receive all monies that may have been recovered under the first certificate from the person to whom the same may have been granted.

Local extent of power given by certificate.

VI. And it is hereby enacted, that every certificate shall give authority to the person to whom the same is granted throughout the Presidency within which the same is granted, and no certificate subsequently granted in respect of the same property shall be valid or effectual, except as hereinafter mentioned.

Government Notes and Dividends.

VII. And it is hereby enacted, that a person certified as aforesaid, may be empowered to receive interest on Government Notes and Dividends, or on Shares of any Bank or parts thereof, and to negotiate such Securities. He may be also empowered to receive a share of such interest or dividends or to negotiate a share of such Securities. But these powers shall only arise by express words in the certificate.

Payments under certificate void by reason of previous certificate.

VIII. And it is hereby enacted, that where a certificate shall have been granted in cases in which such certificate would be valid but for the previous grant of certificate, all payments made to the person holding the later certificate in ignorance of the grant of the previous certificate shall be held good against claims under such previous certificate.

Certificate after previous grant of Probate or Letters void.

IX. And it is hereby enacted, with regard to the property of deceased Hindoos, Mahomedans and other persons not usually designated by the term British Subjects, that no certificate in respect of any such property shall be valid, if made after a Probate or Letters of Administration granted in respect of the same, provided assets belonging to the deceased were at the time of his death within the local jurisdiction of the Court granting the Probate or Letters of Administration.

Bonâ fide payments protected.

X. And it is hereby provided, that where a Certificate shall have been granted in cases in which such certificate would be valid, but for a Probate or Letters of Administration previously granted, all payments made to the person holding the certificate in ignorance of the previous granting of the Probate or Letters of Administration, shall be held good against claims under the Probate or Letters of Administration so previously granted.

Probate or Letters after previous grant of certificate.

XI. And it is hereby enacted, that no Probate or Letters of Administration shall be valid for the purpose of the recovery of debts or for the security of debtors, after a certificate granted in respect of the same property for which such Probate or Letters of Administration shall have beengranted, provided assets belonging to the deceased were at the time of his death within the jurisdiction of the Court granting such certificate.

Bonâ fide payments protected.

XII. And it is hereby provided, that where Probate or Letters of Administration may have been granted, in cases in which such Probate or Letters of Administration would be valid, but for the previous grant of a certificate, all payments made in ignorance of the previous grant of the certificate shall be held good against claims under such previous certificate.

XIII. And whereas under Act No. XIX. of 1841, Curators may be invested with certain powers which are conferred on persons obtaining certificates under this Act, and which belong to Executors and Administrators, it is hereby enacted that Curators appointed under the said Act shall not exercise any powers which, but for

that Act, would lawfully belong to such persons obtaining certificates, Executors or Administrators, where a Certificate, Probate or Letters of Administration has been actually obtained; but all persons who may have paid debts or rents to a Curator authorized by a Judge to receive the same shall be indemnified, and the Curator shall be responsible for the payment of the same to the person who has obtained a certificate, the Executor, or Administrator, as the case may be.

Effect of Probates and Letters granted to Representatives of Hindoos and others.

XIV. And it is hereby declared and enacted, that all Probates and Letters of Administration granted by any of Her Majesty's Courts in cases in which any assets belonging to deceased persons were, at the time of their deaths, within the local jurisdiction of the Court granting the Probate or Letters of Administration, shall have the effect of Probate and Letters of Administration granted in respect of the property of British Subjects but for the purpose of the recovery of debts only, and the security of debtors paying the same; except so far as is in this Act provided.

XV. And it is hereby provided that nothing in this Act contained shall be held to extend to the property of any person usually designated as a British Subject.

T. H. MADDOCK,
Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT.

The 6th September, 1841.

The following Act passed by the Right Honorable the Governor General of India in Council on the 6th of September, 1841, is hereby promulgated for general information:

ACT No. XXI. OF 1841.

An Act for the better Prevention of Local Nuisances.

I. It is hereby enacted, that it shall be lawful for any Magistrate, when the public benefit and comfort are in question, to cause unlawful obstructions and nuisances to be removed from thoroughfares and public places, and to suppress or cause to be removed to a different place, trades or occupations injurious to the health or comfort of the community, and to prevent such construction of buildings and such disposal of combustible substances as may appear to him likely to occasion conflagration, and to cause the removal of buildings in such state of weakness, as, by the probability of their falling, may appear to him to expose individuals to danger.

II. And it is hereby enacted, that, in exercising the authority conferred by the above section, the Magistrate shall after holding such enquiry as may satisfy him of the necessity of proceeding under this Act, issue an injunction, which, if practicable, shall be served personally on the parties concerned; but if such service shall be impracticable or very inconvenient, the injunction shall be notified by oral proclamation and a written notice thereof shall be set up at such place or places as may be best adapted for conveying information to the parties concerned. And in case such injunction be not obeyed, the Magistrate may compel observance thereof by force, and punish disobedience by fine not exceeding 200 Rupees or by imprisonment without labor for any period not exceeding one month, and if the Magistrate finds it necessary to incur expence in removing noxious or dangerous articles or buildings, it shall be lawful for him to sell the same or their materials by public auction in order to defray

the charge, delivering any surplus that may remain to the owner. And it shall be lawful for the Magistrate to compel, under the like penalty, the owners of tanks or wells adjacent to any public thoroughfare to fence the same in such manner as to prevent danger to the public arising therefrom.

III. And it is hereby provided and declared, that it shall be lawful for any person affected by such injunction or written notice as is above described, if he shall object thereto, to claim, by written petition to be presented to the Magistrate within the period of ten days if reasonably practicable, if not, within the shortest reasonable further time from the receipt of such injunction or the publica ion of such notice, that a Jury or Punchayet may be appointed to try and decide the question; and the Magistrate shall, on receiving such petition, pass order thereupon for the appointment of a Jury or Punchayet, which shall consist of not less than five persons, whereof the President and one-half of the other Members shall be nominated by the Magistrate from the residents in the vicinity, and the remaining Members shall be nominated by the party petitioning. And the Magistrate shall suspend the further execution of the injunction or order pending such enquiry, and be guided by the decision of the said Jury which shall be according to the opinion of the majority. Provided however that if the petitioner shall by neglect or in any other way prevent the appointment of such Jury or Punchayet, or if, from any cause the Jury so appointed shall not decide and report within a reasonable time to be fixed in the order for their appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate, and if from any of the above causes no decision be made by a Jury or Punchayet, the Magistrate's order shall take effect as if not opposed.

IV. And it is hereby provided, that all the proceedings of Magistrates under the authority of this Act shall be subject to the like appeal as other orders of Magistrates according to the Regulations of the respective Presidencies.

V. And it is hereby enacted, that this Act shall not be applicable within the local limits of Her Majesty's Courts of Justice.

T. H. MADDOCK,
Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 18th October, 1841.

The following Act passed by the Right Hon'ble the Governor General of India in Council on the 18th of October, 1841, is hereby promulgated for General information.

ACT No. XXVII. OF 1841.

An Act for appropriating the unclaimed Dividends on Insolvent Estates.

I. Whereas pursuant to the Orders of the Courts for the Relief of Insolvent Debtors at the several Presidencies, divers sums on account of unclaimed Dividends on Insolvent Estates have from time to time been paid over by the Assignees of such Insolvent Estates into the hands of the Accountant General and Sub-Treasurer of the East India Company at such several Presidencies with the privity of the Accountant General of the said Insolvents Courts, to the credit of the persons named in the Schedules as Creditors of such Insolvent respectively;—and whereas it is expedient

that in the event of no claim being established to such unclaimed Dividends or any part thereof, within a reasonable time, such Dividends should be distributed among such of the Creditors of such Insolvent Estates as shall have established their claims against such Estates respectively:—

It is therefore enacted, that it shall be lawful for the said Courts of Insolvent Debtors respectively in the event of no claim being established to such Dividends or any part thereof, within six years after any Dividend shall have been so paid over, as aforesaid, to order the same to be repaid to such Assignees, to be by them distributed among such of the Creditors of such Insolvent Estates as shall have established their claims against such Estates respectively, and to order such claims to be expunged from such Schedules. Provided that this Act shall not affect the right of any party to be paid such Dividends out of any future Assets, which may come to the hands of the Assignees, together with any future Dividends which may be declared on such Insolvent Estates respectively in the event of any such claim being afterwards established.

II. And it is hereby enacted, that no such unclaimed Dividend shall at any time be distributed under this Act unless a Statement of such unclaimed Dividends be previously published in manner following: One year at least before making any such division as aforesaid a Statement shall be published three times in the English language, and also in one or more native languages in the Official Gazettes of the respective Presidencies, which Statement shall contain the names and descriptions as contained in the Schedules of all parties in respect of whose claims Dividends are reserved, together with the amount of such claims respectively, and shall specify whether any former Dividend or Dividends have been paid in respect thereof, and whether any proof shall have at any time been made of the debt whereby any Dividend may have accrued. Provided always that this Act shall not authorize the distribution of any such Dividend except where no person shall at any time have substantiated any claim to the debt in respect of which such Dividend may have become due.

III. And it is hereby further enacted, that in case it shall appear that any Insolvent is indebted to any Domestic Servants for Wages, it shall be lawful for such Courts at or before the time of declaring a Dividend to order the amount due for such Wages, but not exceeding in the whole the amount of six months' Wages to be paid to such Servants out of the Estate of such Insolvents.

IV. And be it enacted, that this Act shall not take effect until the first day of January, 1843.

T. H. MADDOCK,
Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 15th November, 1841.

The following Act, passed by the Right Hon'ble the Governor General of India in Council on the 15th of November, 1841, is hereby promulgated for general information:

ACT No. XXVIII. OF 1841.

An Act for extending Act No. XXIII. of 1839, *to Camp Followers.*

I. It is hereby enacted, that in cases in which an offender, being a Soldier, is punishable under Act No. XXIII. of 1839—Any offender amenable to any Articles of

War for the East India Company's Native forces, not being a Commissioned Officer, shall be punishable according to that Act, as well as otherwise according to law; and Act No. II. of 1840, shall be applicable to offenders imprisoned under this Act.

T. H. MADDOCK, *Secy. to the Govt. of India.*

Fort William,

LEGISLATIVE DEPARTMENT,

The 13th December, 1841.

The following Act passed by the Right Hon'ble the Governor General of India in Council on the 13th December, 1841, is hereby promulgated for general information.

ACT No XXIX. OF 1841.

An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of Suits and Appeals for neglecting to proceed in the same.

I. It is hereby enacted, that if a Plaintiff or Appellant in any Court shall, at any time, neglect to proceed in his Suit or Appeal for six weeks, the Suit or Appeal shall be dismissed; and it shall not be necessary to give the Plaintiff or Appellant any notice previous to dismissing his Suit or Appeal. The Suit or Appeal shall be dismissed as of course after the expiration of six weeks without any proceeding on the part of the Court, or of the Defendant, or otherwise, or assignment of any reasons, unless the Plaintiff or Appellant, or his representative in case of his death, upon special application, shall have previously satisfied the Court of the propriety of allowing further time. The Court shall record upon the proceedings the reasons at large for allowing further time in all cases in which further time may be allowed, but it shall not be necessary to specify the reasons for refusing any application for further time.

II. And it is hereby enacted, that in all cases in which a Suit or Appeal is dismissed under the preceding Section, the Court shall award to the Defendant or Respondent the costs he may have incurred in the Suit or Appeal. But such dismissal shall be no impediment to the institution of a new Suit or Appeal, where the party is not precluded by lapse of time, or period of Appeal, or otherwise than by the mere circumstances of having instituted the Suit or Appeal dismissed and of such dismissal, and such dismissed Suit or Appeal shall not prevent lapse of time under the Law of Limitations being incurred.

III. And it is hereby enacted, that clause 2, Section 27, Regulation XXIII. of 1814, of the Bengal Code, and clause 2, Section 26, Regulation VI. 1816, of the Madras Code, are repealed, and no appeal shall lie against the decision passed in accordance with the provisions of the preceding Clauses of this Act, other than a summary appeal on the fact of default.

T. H. MADDOCK, *Secy. to the Govt. of India.*

Fort William,

LEGISLATIVE DEPARTMENT,

The 20th December, 1841.

The following Act passed by the Right Hon'ble the Governor General of India in Council on the 20th of December, 1841, is hereby promulgated for general information:

ACT No XXX. OF 1841.

An Act for repressing obstructions to Justice in certain Courts of the East India Company.

I. Whereas sufficient provision is not made for repressing obstructions to Justice committed in the Courts of the East India Company;—It is hereby enacted that all persons whatsoever, whether generally amenable to the Courts of the East India Company or otherwise, using menacing gestures or expressions, or otherwise obstructing Justice in the presence of any Zillah or City Magistrate, Joint-Magistrate or other Officer under a Magistrate empowered to try Criminal cases, or any superior or inferior Court, Civil or Criminal, of the East India Company, shall be liable to be fined by the Authority whose proceedings are obstructed to any amount not exceeding 200 Rupees, or in case such fine be not paid to be imprisoned for any period not exceeding one month. Provided that from the award of punishment in such cases an appeal shall lie, if preferred within one month, to the Authority, Civil or Criminal, appointed by Law to hear appeals in all other cases from the decisions of the Officer by whom the fine was imposed; and provided also that notwithstanding any thing in this Act it shall be lawful to indict any person amenable to Her Majesty's Supreme Courts as for a misdemeanor in any of the cases aforesaid sustainable before this Act, if no proceeding shall have been had against the offender in the Court where the offence was committed, but not otherwise.

II. And it is hereby further enacted, that the Sudder Board of Revenue, the Local Commissioners, or other Officers exercising the powers of either of those authorities, the Collectors, or other Officers exercising the powers of Collector, shall be competent to punish any obstruction of the nature aforesaid, by fine to an extent not exceeding 200 Rupees, and in case such fine be not paid, by imprisonment in the Civil Jail for a period not exceeding one month. Provided that the orders passed in such cases shall be subject on appeal to the revision and control of the superior Revenue Authorities as in all others, and shall, as well as the sentences passed under Section I. of this Act, be carried into effect by the Magistrate, on application being made to that Officer, in the usual mode.

III. And it is hereby enacted, that Section XLII., the further proviso contained in Section LXXIV., Regulation XXIII. 1814; Clauses second, and third, Section V, and Section VI. Regulation XII. of 1825 of the Bengal Code, are repealed.

T. H. MADDOCK,
Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 20th December, 1841.

The following Act passed by the Right Hon'ble the Governor General of India in Council on the 20th of December, 1841, is hereby promulgated for general information:

ACT No. XXXI. OF 1841.

An Act for amending the provisions of the Bengal Code touching Criminal appeals and the revision of sentences and Orders of Criminal Courts.

1. Whereas the provisions of the Bengal Code concerning Criminal Appeals and revision of Sentences and Orders of Criminal Courts required to be amended:—

It is hereby enacted, that those parts of the Bengal Code which concern the powers and duties of the Criminal Courts in respect to appeals and revision of sentences of a Lower Court by a higher, are repealed.

II. And it is hereby enacted, that from every sentence or order in Criminal trials, within the limitation prescribed by Sections VIII. and IX. Regulation IX. 1793, Section IV. Regulation XVI. 1795, and Sections VIII. and IX. Regulation VI. 1803, or in Judicial proceedings other than Criminal trials passed by an Assistant to a Magistrate, or by a Sudder Ameen, or by a Law Officer or by any other Officer under a Magistrate empowered to try Criminal cases, there shall be permitted one appeal to the Magistrate, Joint-Magistrate or Officer exercising the powers of Magistrate, within one month from the date of such Sentence or Order. And from every Sentence or Order in Criminal trials beyond the limitation prescribed by Sections VIII. and IX. Regulation IX. 1793, Section IV. Regulation XVI. 1795, and Sections VIII. and IX. Regulation VI. 1803, or in Judicial proceedings other than Criminal trials passed by a Magistrate, or Joint-Magistrate, Assistant to a Magistrate vested with special powers, or other Officer empowered to try Criminal cases, there shall be permitted within one month as aforesaid one appeal to the Sessions Judge. And from every Sentence or Order passed in Criminal trials by a Sessions Judge, there shall be permitted within three months one appeal to the Court of Nizamut Adawlut. And except as provided in the next Section of this Act the Sentences or Orders passed upon such appeals shall be final.

III. And it is hereby enacted, that it shall be at all times lawful for the Courts of Nizamut Adawlut to call for the records of any Criminal trials of any Subordinate Court and to pass upon them such order as may seem fit.

IV. Provided however, and it is hereby enacted, that it not shall be lawful for the Court of Nizamut Adawlut in cases so called for, or for any Criminal Court in Appeals preferred to it, to enhance any punishment awarded, or to punish any person acquitted by the Court below.

V. And it is hereby enacted, that it shall be at all times lawful for a Sessions Judge and for a Magistrate, Joint-Magistrate or Officer exercising the powers of Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the regularity of the proceedings of such Subordinate Courts: But it shall not be lawful for any Court under the degree of the Nizamut Adawlut to alter any Sentence or Order of any Subordinate Court, except upon Appeal by parties concerned, duly made according to the provisions of this Act.

VI. And it is hereby enacted, that it shall be competent to a Sessions Judge to refer to the Nizamut Adawlut any trial in which he may consider the sentence he is empowered to pass, inadequate to the guilt of the prisoner, any thing in the existing regulations to the contrary notwithstanding.

VII. And it is hereby enacted, that nothing in this Act contained shall be held to alter or interfere with the powers and duties of a Superintendent of Police as laid down in Act No. XXIV. of 1837, and other parts of the Bengal Code.

T. H. MADDOCK,
Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 10th January, 1842.

The following Act passed by the Right Honorable the Governor General of India in Council on the 10th of January, 1842, is hereby promulgated for general information.

Act No. I. of 1842.

An Act for better regulating the sale of Opium and other intoxicating drugs within the Town of Calcutta.

It is hereby enacted, that all Laws and Regulations prohibiting the sale of Spirituous Liquors within the Town of Calcutta, except under licenses, and regulating the granting such licenses, and for inflicting penalties for breach of the conditions thereof, or for selling Spirituous Liquors without having obtained such licenses, shall be applicable to the sale of Opium and other intoxicating drugs within the Town of Calcutta.

T. H. MADDOCK,
Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 28th March, 1842.

The following Act passed by the Right Honorable the Governor General of India in Council on the 28th of March, 1842, is hereby promulgated for general information.

Act No. II. of 1842.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

I. Whereas it is expedient that the Governor General should visit the North Western Provinces and other parts of India, unaccompanied by any Member of the Council of India, it is enacted that during the absence of the Governor General from Calcutta, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except always the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

T. H. MADDOCK,
Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 22d July, 1842.

The following Act is passed by the Hon'ble the President of the Council of India in Council, on the 22d July, 1842, with the assent of the Right Hon'ble the Governor General of India, which has been read and recorded.

Ordered that the Act be promulgated for general information.

ACT No. III. OF 1842.

An Act for extending the Provisions of Act XXI. of 1839, to certain Petty Thefts, not being cases of simple Larceny.

I.—Whereas it has been found that property has been rendered insecure in many cases, by reason of the impunity with which petty thefts, not being simple larcenies, have been committed, it is hereby enacted, that Act No. XXI. of 1839, shall be extended to the following cases, where the property stolen does not exceed in value 20 Rupees, that is to say, to stealing any goods or merchandize in any vessel, barge or boat of any description whatsoever, or from any dock, wharf or quay—to stealing, by any servant, any chattel or money belonging to or in possession or power of his Master—to stealing any chattel or money from the person of another.

F. J. HALLIDAY,
Offg. Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 19th August, 1842.

The following Act is passed by the Hon'ble the President of the Council of India in Council on the 19th of August 1842, with the assent of the Right Hon'ble the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for general information.

ACT No. VII. 1842.

An Act for repealing certain provisions of the Bengal Code regarding translations.

I. Whereas the rules regarding the rate of payment for translations of proceedings and other documents for the use of the Civil Courts fixed by Sec. V. Reg. XIX. 1797, and Sec. XXXIII. Reg. IV. 1803, of the Bengal Code require amendment:—

It is hereby enacted, that Sec. V. Reg. XIX. 1797, and Sec. XXXIII. Reg. IV. 1803, be repealed.

F. J. HALLIDAY,
Offg. Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT.

The 2d September, 1842.

The following Act is passed by the Honorable the President of the Council of India in Council on the 2d of September, 1842, with the assent of the Right Honorable the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for general information.

ACT No. VIII. OF 1842.

An Act for describing in Legislative Acts with greater certainty and convenience, the Courts for the highest jurisdiction in the respective Presidencies.

It is hereby declared and enacted, that the powers vested in the Court of Sudder

Dewanny Adawlut by Acts No. XIX. of 1841 and No. XX. of 1841, shall be applicable to the Courts of highest Civil jurisdiction in the Madras and Bombay Presidencies respectively, and that, in future Acts generally applicable to all the Presidencies, the terms "Sudder Court" shall be deemed applicable to the Courts respectively of the highest Civil and Criminal jurisdiction, as the case may be, of all the Presidencies.

F. J. HALLIDAY,
Offg. Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 14th October, 1842.

The following Act is passed by the Hon'ble the President of the Council of India in Council on the 14th of October, 1842, with the assent of the Right Hon'ble the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for general information.

ACT No. X. OF 1842.

An Act for enabling the Inhabitants of any place of public resort or residence under the Presidency of Fort William, not within the Town of Calcutta, to make better provision for purposes connected with public health and convenience.

I. It is hereby enacted, that if it shall appear to either of the Governments of the Presidency of Fort William, that two-thirds in number of the householders of any Town, Suburb, Settlement or place of public resort and residence within that Presidency are desirous of making better provision for the repairing, cleansing, lighting, draining or watching of any public streets, roads, drains or tanks, or any like local purpose, it shall be lawful for the Local Government to which such place as above described is subject to authorize the same in manner following.

II. And it is hereby enacted, that the Local Government, upon any application made to it for the purpose by or on the part of the householders aforesaid, may, at its discretion, authorize the persons whose names shall be presented or so many of them as may be thought proper being inhabitants of the place as above described to be a Committee for the purpose of effecting the local objects specified in the application.

III. And it is hereby enacted, that any such Committee may make such assessments and at such rates as may be necessary for effecting the objects aforesaid, and may make all necessary contracts and appoint such servants as may be required with reasonable salaries. Provided always that no rate exceeding the amount of five per cent, on the rent or yearly value of the premises within the place as above described, or more than one rate in any year shall be raised without the express sanction of the Local Government. Provided also that no Member of any such Committee shall be personally liable in respect of any contract entered into by such Committee on behalf of the inhabitants of any place as above described. Provided that the said Committee and every Member thereof shall be liable for the misapplication of all monies collected, and the same shall be recoverable in a Civil action as the money and at the suit of the Local Government.

IV. And it is hereby enacted, that the Local Government shall in every case prescribe such rules for every Committee as may appear necessary for the proper security of the funds collected from the inhabitants. And shall have the power of removing any Member of every such Committee on its appearing to such Government

that the security or efficiency of the trust is in danger of being impaired. And in case of no person being named by the remaining Members of the Committee to the satisfaction of the Local Government to act upon such Committee in the place of the person removed within one month, the Local Government may appoint a Member of the Committee in the place of the person removed.

V. And it is hereby enacted, that every such Committee shall on the 30th day of April, in every year, or oftener, if required by the Local Government, render to the Local Government an account of all sums received and expended in the preceding year, in such form and with such vouchers as the Local Government may from time to time require.

VI. And it is hereby enacted, that upon the application of such Committee to any Magistrate or Justice of the peace, such Magistrate or Justice is required to exercise the same powers for levying the rate which may be due from any defaulter as are specified in Act II. of 1839.

VII. And it is hereby enacted, that no rate shall be invalidated for defect of form, and it shall be sufficient if in any such rate as aforesaid, or any assessment for the purposes of such rate the property assessed shall be sufficiently identified, and it shall not be necessary to specify the name of the owner or occupier thereof. And all property found at any time upon the premises rated shall be liable to be seized and sold under Warrant from a Magistrate or Justice of the Peace for the payment of the rate.

VIII. And it is hereby further enacted, that it shall be competent at all times to the Local Government to dissolve any such Committee, and to appoint any person or persons to enquire into and report upon the conduct of such Committee or of any Members thereof in the execution of their Trusts, and such person or persons so appointed shall have power to send for persons, papers and records, and to compel the attendance or delivery of the same and to examine witnesses upon oath.

F. J. HALLIDAY,
Offg. Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT.

The 21st October, 1842.

Resolution.—The following Act read a second time on the 2d ultimo, is brought up again before the Legislative Council on this day—The Honorable the President in Council being desirous that no time should be lost in passing the Act.—

Resolved, that the Rule requiring a previous publication of three months before the passing of any Act of the Government of India be suspended in respect to the following Act, which is passed by the Honorable the President of the Council of India in Council on this date, with the assent of the Right Honorable the Governor General of India, which has been read and recorded.

ACT No. XI. OF 1842.

An Act for amending and explaining the Law concerning the importation of Foreign Sugar.

It is hereby enacted and declared that the prohibition and penalties contained in Acts No. XXXII. of 1836 and No. XV. of 1839, against the landing or attempting to land in any part of the Territories subject to the Presidency of Fort William in Bengal

or the Presidency of Fort St. George, of any Foreign Sugar, or any Sugar which is the growth of any British possession into which Foreign Sugar can be legally imported, shall apply and be deemed to apply to such Sugar otherwise imported into any part of the Territories subject to the said Presidencies.

F. J. HALLIDAY,
Offg. Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 28th October 1842.

The following Act is passed by the Hon'ble the President of the Council of India in Council, on the 28th of October 1842, with the assent of the Right Honorable the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for general information.

ACT No. XII. OF 1842.

An Act for the better Regulation of Military Bazars, and defining the liabilities of Camp-followers.

I. It is hereby enacted, that no person residing within the limits of any Military Cantonment and carrying on trade therein, or who shall have been a trader at any Military Cantonment, shall be allowed to recover in any Military Court of Requests for the Native Troops of the East India Company, held within any such Cantonment, any debt contracted in the way of trade, or for the loan of money, within any such Cantonment by any person subject to the jurisdiction of such Court, unless the person seeking to recover the debt shall at the time of contracting thereof have been registered as a Military Bazarman within any such Cantonment.

II. And it is hereby declared, that all persons serving with any part of the Army and receiving public pay in any capacity, menial servants, and other Camp followers of every description, shall be subject to the provisions of Acts No. XI. of 1841, and No. XXVIII. 1841, in like manner as enlisted Soldiers.

F. J. HALLIDAY,
Offg. Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 27th January, 1843.

The following Act is passed by the Hon'ble the President of the Council of India in Council, on the 27th January, 1843, with the assent of the Right Hon'ble the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for general information.

ACT No. I. OF 1843.

An Act for amending the Law concerning the Registration of written Conveyances and other instruments affecting Titles and other interests to Land.

Whereas the Registry Laws now in force in the respective Mufussils of Bengal, Madras and Bombay, provide that registered conveyances and other instruments affecting Titles to Land and other interests therein, shall not take precedence of unregistered conveyances and instruments, in cases where the party registering shall have known of the existence of such unregistered conveyances or other instruments. And whereas a complicated system of law has arisen out of the construction which is to be given to the provisions regarding the knowledge of parties, or notice had by them in such cases. And whereas much perjury has been committed in investigations touching the fact of such notice or knowledge, and much of the time of the Courts has been occupied with such investigations. And whereas in consequence of forgeries, perjuries, fraudulent concealments, and other practices, no person purchasing or advancing money on the Security of Land can safely rely on the conveyances or other instruments affecting the title to such land or other interest therein affording, by means of their being registered, a Security against conveyances or instruments being set up, as of previous date, by unregistered claimants.

It is hereby enacted, that all provisions contained in any Regulation or Regulations of the Bengal, Madras or Bombay Codes, touching such knowledge or notice as aforesaid, of previous unregistered conveyances, or instruments affecting titles to land or other interests therein, shall be repealed from the first day of May next; and every conveyance or other instrument affecting title to land, or any interest in the same, authorized by those Codes respectively to be registered, shall, so far as regards any lands to which the same relate, be void as against any person claiming under any subsequent conveyance or other instrument duly registered, unless the prior conveyance or instrument shall have been duly registered before the registration of the subsequent conveyance or instrument; any alleged notice or knowledge of such prior conveyance or instrument notwithstanding. Provided always that this Act shall not be construed to extend to any conveyance or other instrument made before the first day of May next.

F. J. HALLIDAY,
Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 1st February, 1843.

The following Act is passed by the Honourable the President of the Council of India in Council, on the 1st February, 1843, with the assent of the Right Honourable the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for general information.

Act No. II. of 1843.

An Act to regulate the Sittings of the Courts of Sudder Dewanny Adawlut.

I. It is hereby enacted, in modification of Section 16, Regulation XXV. 1814, that when a single Judge of the Sudder Dewanny Adawlut, trying a case in appeal, regular or special, from any Subordinate Court, shall be of opinion that the decision appealed from ought to be reversed or altered, he shall always call in two other Judges of the Court to sit with him, and that the appeal shall be then heard by the three Judges sitting together, and be decided by them without any additional voices. In such cases the decree or final order shall be signed by the three Judges, if they agree together; but, if one of them dissent from the view taken by the majority, by the two Judges who agree together, and the signature of the third Judge shall not be considered requisite, but his opinion shall be recited in the decree or final order.

II. Provided, that the above rule shall not be applicable to summary appeals, or to appeals in miscellaneous cases, nor shall it be held to interfere with the powers of a single Judge of the Sudder Dewanny Adawlut, under Clause 2, Section 2, Regulation IX. 1831.

F. J. HALLIDAY,
Offg. Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 1st February, 1843.

The following Act is passed by the Honourable the President of the Council of India in Council, on the 1st of February, 1843, with the assent of the Right Honourable the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for general information.

Act No. III. of 1843.

An Act for Amending the Rules of Special Appeals.

I. It is hereby enacted, that from and after the 1st day of May next, a Special Appeal shall lie to the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad respectively, to the Court of Sudder Adawlut at Madras, and to the Court of Sudder Dewanny Adawlut at Bombay, from all decisions passed on regular Appeals in the Civil Courts subordinate to them respectively, which shall appear to be inconsistent with some law, or usage having the force of law, or some practice of the Courts, or shall involve some question of law, usage, or practice, upon which there may be reasonable doubts.

II. And it is hereby enacted, that applications for Special Appeals shall not be admitted, unless they are presented to the proper Court, as aforesaid, within the period limited for the presentation of regular Appeals.

III. And it is hereby enacted, that every application for a Special Appeal shall be accompanied by copies of the several decrees previously passed on the case.

IV. And it is hereby enacted, that every application for a Special Appeal duly presented to the proper Court, as aforesaid, shall be heard by a single Judge of the Court in the presence of the Special Appellant, or his Vakeel, or Agent, and it shall be competent to the Judge, at his discretion, to call for and peruse any document forming

a part of the record of the cause, and to summon the opposite party to answer the application.

V. And it is hereby enacted, that if it shall appear to the Judge that a Special Appeal is admissible under this Act, he shall pass an order accordingly, and shall at the same time reduce the point or points to be determined to writing in English in the form of a Certificate, which shall be translated into the vernacular language in use in the Court, and the Special Appeal shall then be brought on the file of the Court to be heard and determined in due course. Provided that it shall not be necessary to call for or refer to any part of the proceedings, the reading of which is not required for deciding the point or points of law stated in the Certificate.

VI. And it is hereby enacted, that if it shall appear to the Judge that a Special Appeal is not admissible under this Act, he shall reject the petition; and his order, so rejecting a petition for a Special Appeal, shall be final.

VII. And it is hereby enacted, that in every case of Special Appeal admitted as aforesaid, the Court of Sudder Dewanny Adawlut shall determine the point or points certified as above enacted, and no other point or part of the case whatever.

VIII. Provided that when the special ground of Appeal may have been incorrectly or incompletely certified, it shall be competent to the Court to amend the Certificate. Provided that such amendment shall relate only to the point or points originally stated in the Certificate, and it shall not be lawful for the Court to receive or add any new point or points.

IX. And it is hereby declared, that the existing Laws and Regulations of the Presidencies of Bengal, Madras and Bombay relating to Special Appeals, shall continue in force so far as they are not inconsistent with the provisions of this Act.

X. And it is hereby enacted, that nothing contained in this Act shall affect the hearing of second or Special Appeals, which shall have been admitted and be pending in Appeal before the said 1st day of May next; and that all such second or Special Appeals shall be heard and decided in the same manner as if this Act had not passed.

F. J. HALLIDAY,

Offg. Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 24th March, 1843.

The following Act is passed by the Hon'ble the President of the Council of India in Council, on the 24th March, 1843, with the assent of the Right Hon'ble the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for general information.

ACT No. IV. OF 1843.

An Act for amending the Law concerning Appeals from Justices of the Peace, and from Magistrates acting under the Statute 53, *Geo.* III., *Ch.* 155.

Whereas, in many cases provided by law, offences may be prosecuted before Magistrates not acting within the local limits of the jurisdiction of Her Majesty's Supreme Courts, and which such Magistrates may take cognizance of either in their Magisterial capacity under the Regulations, or as Justices of the Peace. And whereas the Appeal from convictions before Magistrates acting in their Magisterial capacities,

and from the like convictions before Justices of the Peace are subject to different rules. And whereas in all cases of convictions before Justices of the Peace in the Mofussil, and before Magistrates exercising jurisdiction under the provisions of Statute 53, Geo. III. c. 155, in cases of assaults, forcible entries, or other injuries accompanied with force committed by British subjects, the law as to Appeals requires amendment.

I. It is hereby enacted, that an Appeal shall lie from all sentences passed by any Justice of the Peace acting without the local limits of any of Her Majesty's Supreme Courts upon convictions had before him for any offence, and from all sentences passed by any Magistrate upon convictions had before him exercising such jurisdiction as aforesaid to the same authority and subject to the same rules as are provided by the Regulations and Acts of the Government in the case of sentences passed by Magistrates in the exercise of their ordinary jurisdiction. And cases so made the subject of Appeal shall not be afterwards liable to revision by means of a Writ of Certiorari.

II. And it is hereby provided that nothing in this Act contained shall be held to take away the power of quashing any conviction by means of a Writ of Certiorari, in any other case than where there has been such Appeal as aforesaid.

F. J. HALLIDAY,
Offg. Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 7th April, 1843.

The following Act is passed by the Hon'ble the President of the Council of India in Council, on the 7th of April 1843, with the assent of the Right Hon'ble the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for general information.

ACT No. V. OF 1843.

An Act for declaring and amending the law regarding the condition of Slavery within the Territories of the East India Company.

I. It is hereby enacted and declared, that no public officer shall, in execution of any decree or order of Court, or for the enforcement of any demand of Rent or Revenue, sell or cause to be sold any person, or the right to the compulsory labor or services of any person on the ground that such person is in a state of slavery.

II. And it is hereby declared and enacted, that no rights arising out of an alleged property in the person and services of another as a slave, shall be enforced by any Civil or Criminal Court or Magistrate within the Territories of the East India Company.

III. And it is hereby declared and enacted, that no person who may have acquired property by his own industry, or by the exercise of any art, calling or profession, or by inheritance, assignment, gift or bequest, shall be dispossessed of such property or prevented from taking possession thereof, on the ground that such person, or that the person from whom the property may have been derived, was a slave.

IV. And it is hereby enacted, that any act which would be a penal offence if done to a free man, shall be equally an offence if done to any person on the pretext of his being in a condition of slavery.

F. J. HALLIDAY,
Offg. Secy. to the Govt. of India.

Fort William,

LEGISLATIVE DEPARTMENT,

The 21st April 1843.

The following Act is passed by the Hon'ble the President of the Council of India in Council, on the 21st of April 1843, with the assent of the Right Hon'ble the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for general information.

ACT No VI. OF 1843.

An Act for amending the law concerning the jurisdiction and procedure of the Courts of Ameens and Moonsiffs.

I.—In modification of Clause 4, Section 18, Regulation V. of 1831, Bengal Code, it is hereby enacted, that in the trial and decision of all original Suits, referred to them by the Judge, the Principal Sudder Ameens shall be guided by the rules established for the conduct of business in the Courts of the Zillah and City Judges.

II.—And it is hereby enacted, that the provisions of Section 4, Act No. XXV. of 1837, in respect to appeals from decisions passed by Principal Sudder Ameens, in Suits of the nature specified therein, be extended to all interlocutory orders passed by those Officers in such Suits.

III.—And it is hereby enacted, that such parts of Regulation XXIII. 1814, as prohibit the Sudder Ameens and Moonsiffs from requiring security from defendants; or from attaching their property in cases pending before them or from realizing fines imposed by them without first obtaining the sanction of the Zillah Judge, be repealed.

IV.—And it is hereby enacted, that it shall be competent to the Sudder Ameens and Moonsiffs to demand security from the defendant, under the provisions of Sections 4 and 5, Regulation II. 1806, in cases pending before them; and also to proceed, without reference to the Zillah Judge, to the realization of fines imposed by them, provided that all orders passed by the Sudder Ameens and Moonsiffs under this Section, be subject to an appeal to the zillah Judge.

V.—And it is hereby enacted, in modification of Section 22, Regulation V. of 1831, that decrees passed in the Courts of the Judges or Principal Sudder Ameens, in cases of appeal from the decisions of the Sudder Ameens or Moonsiffs, shall be executed by the Courts in which the original decisions were passed, under the general rules prescribed for the execution of decrees passed by those Courts—applications for the execution of such decrees shall be presented, together with a certified copy of the decree of the Judge or Principal Sudder Ameen, to the Court of original jurisdiction. In appeals from the orders of the Moonsiff or Sudder Ameen in such cases, the decision of the Zillah or City Judge shall be final.

VI.—And it is hereby enacted, that Clause 2, Section 13, Regulation XXIII. 1814, and Clause 4, Section 5, Regulation V. 1831, be repealed.

VII.—And it is hereby enacted, that no person whatever shall, by reason of place of birth, or by reason of descent, be, in any Civil proceeding whatever, exempted from the jurisdiction of the Courts of the Moonsiffs, in the Territories subject to the Presidency of Fort William in Bengal.

VIII.—And it is hereby enacted, that persons invested with the powers of Moonsiff shall be competent to receive, try and determine suits of every description under the restrictions as to local jurisdiction and value of property mentioned in Clauses 1, 2 and 3, Section 5, Regulation V. 1831. Provided, however, that no

Moonsiff shall try any suit, in which he himself, or any of his relatives, or dependants, or any of their Vakeels or Officers of his Court shall be a party.

IX. And it is hereby enacted, that in cases, where by reason of the above Section, a Moonsiff cannot try a suit because he himself, or any of his relatives, or dependants, or any of the Vakeels or Officers of his Court is a party to the suit, it shall nevertheless be competent to the Moonsiff to receive the suit, and forward it to the Judge of the Zillah to which he is subordinate, who may thereupon refer the same for trial and decision to any other Moonsiff of the District

F. J. HALLIDAY,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 29th July, 1843.

The following Act, passed by the Right Hon'ble the Governor General of India in Council on the 29th July, 1843, is hereby promulgated for general information.

ACT No. XII. OF 1843.

An Act concerning the time at which and the language in which the decision of the Judges in the Courts of the East India Company are to be written.

Whereas it is expedient, that the decisions of Courts of Justice and the reasons for the decision should be written and signed by the Judge at the time of pronouncing his decision, and in the vernacular language of the Judge:—

I. It is hereby enacted, that in all the Presidencies so much of all Decrees as consists of the points to be decided, the decision thereon and the reasons for the decision, and all injunctions for the revision of Decrees in regular suits, and all orders for Reviews of Judgment, which shall be passed by Judges of the Sudder Courts, or by Judges of zillah and city Courts, or by Subordinate or Assistant Judges of zillahs, shall be written originally in English, and signed by the Judge or Judges at the time of pronouncing such decision and orders; and shall be translated into the vernacular language, commonly used in the Court wherein the suit to which the Decree or Order relates, shall have been instituted; and the translation shall be incorporated in the Decree.

II. Provided that nothing in this Act contained shall be construed to repeal or affect any Regulation of the Codes of the Presidencies of Fort St. George and Bombay, by which the Decrees of the Sudder Courts are required to be written in English, nor to repeal or affect any Regulation of the Code of the Presidency of Fort St. George, by which the Decrees of the Provincial and Zillah Courts, and the Auxiliary Courts under Assistant Judges, and the orders of the Sudder Court and Provincial Courts on Petitions presented to them, are required to be written in English.

III. And whereas it is expedient, that excepting as regards the language to be used, Principal Sudder Ameens, Sudder Ameens and Moonsiffs should be guided by the same rules as are hereinbefore provided for the guidance of the Superior Judges:—

It is hereby enacted, that in all the Presidencies so much of all Decrees as consists of the points to be decided, the decision thereon and the reason for the decision, which shall be passed by Principal Sudder Ameens, Sudder Ameens or Moonsiffs shall be

written originally in the vernacular language of such Principal Sudder Ameen, Sudder Ameen or Moonsiff, and signed by such Principal Sudder Ameen, Sudder Ameen or Moonsiff at the time of pronouncing such decision, and (in case such vernacular language shall not be the same as the vernacular language commonly used in the Court wherein the suit to which the Decree relates, shall have been instituted,) shall be translated into such last mentioned vernacular language, and the translation shall be incorporated in the Decree.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 5th August, 1843.

The following Extract from the Proceedings of the Right Hon'ble the Governor General of India in Council, in the Legislative Department, is published for general information:

Read again the Draft Act for regulating the levy of Customs Duties, and the Manufacture of Salt in the North Western Provinces of the Presidency of Bengal.

Resolution. By this Act will be abolished the Duties on 121 Articles, including Piece Goods, and all Embroidered Goods, Iron, Silk, Shawls, Indigo, Tobacco, Oil and Oil Seeds. Of the Duties to be abolished, those on 48 Articles produced, on an average of the three years ending in 1841-42, an aggregate receipt of only 1,500 Rupees.

The additional duty to be imposed by the Act on the Import of Salt into the North Western Provinces, will only raise the duty generally to two-thirds of the amount of that already levied in Bengal, and to the Eastward of Allahabad to the level of the Bengal duty.

The additional powers given to the Customs Department and the increased strength which will be given to the Customs Establishment will, it is to be hoped, prevent any increase of Smuggling on the North West Frontier, and it may be expected that the result of a measure which gives almost entire freedom to internal Trade, will be a considerable increase of the Revenue.

Resolved accordingly, that the Act in question be passed.

ACT No. XIV. OF 1843.

An Act for regulating the levy of Customs Duties and the manufacture of Salt in the North Western Provinces of the Presidency of Bengal.

I. It is hereby enacted, that Regulation XVI. 1829, Act II. 1838, and so much of Regulation IX. 1810, and of any other Regulation and Act, as affects the Collection of Customs Duties or the Manufacture of Salt in the North Western Provinces of the Presidency of Bengal, shall be repealed from the 1st day of September, 1843.

II. And it is further enacted, that from and after the day abovementioned, the following and no other Duties of customs shall be leviable upon the Import and Export of Articles into and from the North Western Provinces of the Presidency of Bengal, that is to say:

On the Import of Salt, of all descriptions, two Rupees per maund, and a further duty of one Rupee per maund on the transmission thereof to the Eastward of Allahabad.

On the Import of Cotton, uncleaned, four Annas per maund, cleaned eight Annas per maund.

On the Export of Misree, Kund, Chenee and all clayed and refined Sugar, eight Annas per maund, Goor, Rab, Sheerah, and all unclayed and unrefined Saccharine produce, three Annas per maund.

The Import of Sugar into any part of the said Provinces, is, and shall remain, prohibited.

III. And it is further enacted, that it shall be lawful for the Government of the said Provinces from time to time to make and issue such orders as may be deemed expedient for the collection of the aforesaid Duties in such manner, and upon such line or lines, and at such places on or near such line or lines as may seem fit, and all such orders shall have the same force as if they formed a part of this Act from the date notified in the Gazette, wherein they shall be published.

IV. And it is further enacted, that from and after the First day of September, 1843, the manufacture of alimentary Salt throughout the North Western Provinces of the Presidency of Bengal, without the express sanction of the Government, is prohibited; and that any person engaging in the manufacture of such Salt, or preparing or causing to be prepared works for the manufacture of such Salt, without such sanction, and all Zemindars or other proprietors of land, or their Agents, conniving at such illicit manufacture, shall, on conviction by the Magistrate, within the limits of whose District the offence may have occurred, be punished by a fine not exceeding 500 Rupees, and on non-payment of such fine, by imprisonment not exceeding six months with or without hard labor, and that all works at which such manufacture shall have been conducted, or which are designed for such manufacture shall be destroyed, and any Salt which may be manufactured or stored thereat, shall be seized and confiscated.

V. And it is further enacted, that it shall be lawful for the Collectors of Customs and the Collectors of Land Revenue within their jurisdictions, to destroy all works for the manufacture of Salt, and to seize the Salt stored thereat, and to apprehend the persons concerned in the manufacture thereof, and make them over for trial to the Magistrate within the limits of whose District the offence may have occurred.

VI. It is further enacted, that all Sugar imported into the said Provinces, and all Articles imported or exported without payment of the duties imposed by this Act, or in contravention of the orders which may be made and issued under the provisions thereof, and all Boats, Carriages and Conveyances, and all animals used in transporting the same, shall be liable to be seized and confiscated in the manner hereinafter mentioned.

VII. And it is further enacted, that all persons evading or attempting to evade the payment of the duties imposed by this Act, and all persons aiding or abetting such attempts or evasions or in any manner acting in contravention of this Act, or of any order made and issued under the provisions thereof, and all Zemindars and other Proprietors of land, or their Agents, who shall wilfully connive at such attempts or evasions or aid such acts, shall, on conviction by the Magistrate within the limits of whose Districts the offence may have occurred, be punished by a fine not exceeding 500 Rupees, and on non-payment thereof by imprisonment not exceeding six months with or without hard labor.

VIII. And is is further enacted, that it shall be lawful for all Officers of the Customs Department to search any carriages and conveyances, and any packages upon reasonable grounds of suspicion that such carriages, conveyances, or packages, contain any articles made subject to duty, or prohibited to be imported by this Act, and to detain all such articles as may be liable to confiscation under the provisions thereof.

IX. And it is hereby enacted, that whenever any articles or goods shall be seized or detained under the provisions of this Act, the Collector or Deputy Collector of Land Revenue or Customs, within whose jurisdiction such seizure or detention shalll occur, shall, with all practicable expedition, report the case for the determination of the Commissioner of Revenue, and it shall be lawful for such Commissioner to declare such articles or goods to be confiscated, or to impose such lesser penalty in lieu thereof as to him may seem fit.

X. And it is hereby enacted, that it shall be lawful for all Officers in the Customs Department to apprehend any person upon reasonable grounds of suspicion that such person is liable to punishment under this Act, and to make him over for trial with all practicable expedition to the Magistrate within whose jurisdiction the offence may occur.

XI. Provided always, that any Officer of the Customs Department who shall without reasonable grounds of suspicion search any carriage or conveyance or any package, shall, upon conviction thereof before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 250 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding three months; and provided also, that any Officer of the Customs Department who shall, under color of this Act, apprehend any person without reasonable grounds of suspicion that such person is liable to punishment under this Act, shall, upon conviction before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 500 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding six months.

XII. And it is hereby enacted, that all Magistrates, or persons exercising the powers of Magistrate, shall be competent to receive and determine all charges against persons thus made over to them for trial on account of offences against this Act, and that all sentences passed in pursuance of this Act, shall be open to appeal under such Rules as may from time to time be laid down for the cognizance of appeals in ordinary cases.

XIII. And it is hereby enacted, that all Officers of Police, and all Officers of the Government engaged in the Collection of the Land Revenue, are empowered and required to aid and assist the Officers of the Customs Department in the execution of this Act.

XIV. And it is further enacted, that nothing in this Act contained shall apply or be deemed to apply to the Saugor and Nerbudda Territories, or to the District of Ajmere.

T. R. DAVIDSON
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 5th August, 1843.

The folloing Act passed by the Right Honorable the Governor General of India in Council on the 5th August, 1843, is hereby promulgated for general information.

ACT No. XV. OF 1843.

An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department.

Whereas the exigencies of the public service require that the Police and Criminal Branch of the Judicial Department should be strengthened by the more extensive employment of uncovenanted Agency;

I. It is hereby enacted, that it shall be competent to the Local Governments of both Divisions of the Bengal Presidency to appoint in any Zillah or District one or more Uncovenanted Deputy Magistrates with the powers hereinafter specified.

II. And it is hereby enacted, that every person appointed to the Office of Deputy Magistrate under this Act, shall, previously to entering upon the execution of the duties of his Office, make and subscribe before the Magistrate of the District to which he may be appointed, a declaration according to Act XXI. 1837.

III. And it is hereby enacted, that a Deputy Magistrate appointed under this Act, shall be capable of being employed as a Judicial Officer or as an Officer of Police or both, at the discretion of the Local Government. As a Judicial Officer he shall exercise the powers of a Covenanted Assistant under Regulations XIII. 1797, IX. 1807, or III. 1821, or the full powers of a Magistrate according to such orders as may from time to time be issued in that respect by the Local Government, and in such cases he shall be subject to such authority in regard to Appeals from his decisions and judicial orders as is provided for the decisions and orders of a Covenanted Assistant under the above Regulations, or of a Magistrate respectively. As an Officer of Police he shall be in all respects subordinate to the Magistrate under whom he may be placed; he shall exercise such powers as the Government, or the Magistrate with the sanction of Government, may commit to him, and shall obey all orders that may be issued, and perform all duties that may be assigned to him by that functionary, who shall be at all times competent, subject to such orders as he may receive from the Local Government, to extend, limit or resume the powers committed to such Deputy.

IV. And it is hereby enacted, that nothing in this Act contained shall be held to disqualify any Uncovenanted Officer in the Revenue and Judicial Departments from holding at the same time with any other Office the Office of Deputy Magistrate.

V. And it is hereby enacted, that a Deputy Magistrate appointed under this Act, shall not be dismissed from Office for misconduct, without the sanction of the Local Government. Whenever there may be reason to believe that a Deputy Magistrate is disqualified by neglect, incapacity or corruption for continuance in Office, a report shall be submitted by the Local Magistrate for the consideration and orders of the Local Government which shall be competent to suspend him, and order a further inquiry into his conduct, or to direct his immediate dismissal as may appear just and proper.

VI. And it is hereby declared, that no native of the Territories subject to the Government of the East India Company, nor any natural born subject of Her Majesty resident therein, is, by reason only of his religion, place of birth, descent, color, or any of them, disabled from holding the Office of Deputy Collector under Regulation IX. of 1833.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

The 12th August, 1843.

The following Act, passed by the Right Hon'ble the Governor General of India in Council, on the 12th August, 1843, is hereby promulgated for general information;

ACT No. XVI. OF 1843.

An Act regarding the offering of Rewards for the Apprehension of Offenders.

Whereas inconvenience has been experienced from the Rules in force which provide that Magistrates shall apply to the Courts of Sudder Nizamut Adawlut and the Courts of Circuits, or Courts exercising the powers of the old Courts of Circuit, when it may appear advisable to offer a reward for the apprehension of a known offender, or the discovery of unknown offenders in cases of magnitude; And whereas it is expedient that all such applications should be made to such Officer or Officers as from time to time may be empowered by the Local Governments to authorize the grant of rewards,

It is hereby enacted, that Sections 2 and 3, Regulation IX. of 1808, and Sections 16, and 17, Regulation XVI. 1810 of the Bengal Code, be, and the same are, hereby repealed.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 19th August, 1843.

The following Act passed by the Right Hon'ble the Governor General of India in Council, on the 19th August, 1843, is hereby promulgated for general information.

ACT. No. XVII. OF 1843.

An Act for the appointment of Official Trustees in certain cases.

Whereas the property of Infants, Feme-Coverts and others vested in Trustees, is exposed to peculiar risks and burthens in the Territories, subject to the Government of the East India Company, not only from the Insolvency of Trustees, but from the frequent difficulties occasioned by their death, or absence, or refusal, or incapacity to act:

I. It is hereby enacted, that in all cases in which any property is subject to any Trust, and there shall be no Trustee willing to act, or capable of acting within the jurisdiction of Her Majesty's Courts in the said Territories, it shall be lawful for the Supreme Court of each of the Presidencies in the said Territories, on petition, to appoint the Registrar, or such other Officer of the Court, as the Court may from time to time select as the Official Trustee, under the provisions of this Act to be a Trustee of such Property, and that upon such appointment such Property, shall vest in such offi-

cer and his successors in Office, and shall be held by them upon the same Trusts as the same was held previous to such appointment.

II. And it is hereby further enacted, that such Officer shall cause such Property to be invested in Government Securities, or otherwise, as the Court shall direct, and that he shall be entitled to a Commission of one per cent. upon the amount thereof.

III. And it is hereby further enacted, that it shall be lawful for the Court to make any orders respecting such Property so vested in such Official Trustee or the Interest or Produce thereof, and that all such orders shall be made on petition unless the Court shall direct a Bill to be filed.

IV. And it is hereby provided, that nothing in this Act contained shall prevent the Re-transfer of the said Property to the original or any subsequently appointed Trustees; or otherwise, as the Court shall direct.

V. And it is hereby further enacted, that where any Infant or Lunatic shall be entitled to any Gift, or Legacy, or Residue, or Share thereof, it shall be lawful for the Executor or Administrator, by whom such Legacy or Residue may be payable or transferrable, or the party by whom such Gift shall be made, or any Trustee thereof, to pay or transfer the same to the Official Trustee appointed under this Act, and that the receipt of such Official Trustee shall be a discharge for the same, and that the same shall be subject to the like Provisions as are contained in this Act, as to other Property vested in such Official Trustee under the Provisions thereof.

VI. And it is hereby further enacted, that the Provisions of this Act, except as to the Commission to be allowed under the same, shall extend to any Property of Infants or Lunatics in the hands of the Ecclesiastical Registrar of each of the said Courts as Official Administrator.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMEMT,

LEGISLATIVE,

The 9th September, 1843.

The following Act, passed by the Right Hon'ble the Governor General of India in Council, on the 9th September, 1843, is hereby promulgated for general information.

ACT No. XVIII. OF 1843.

An Act for the better custody of persons, convicted of Thuggee and Dacoity.

Whereas it often happens that the offences of Thuggee and Dacoity are committed by gangs, as well within the Territories subject to the Government of the East India Company, as in those of Native Princes or States in alliance with the said Company, and it may be necessary for the safety of persons and property within the Territories subject to the Government of the East India Company, that persons convicted of the like offences within the Territories of such Princes or States, should be kept in secure custody, which cannot always be done within the last mentioned Territories.

It is hereby enacted, that it shall be lawful for the local Government of any part of the Territories subject to the Government of the East India Company, to authorize the reception and detention in any part of those Territories, for the periods, specified in their respective sentences, of persons sentenced to imprisonment or transportation for

the offences of Thuggee, Dacoity, or the offences of belonging to any gang of Thugs or Dacoits within the Territories of any Native Prince or State in alliance with the said Company. Provided always that such sentences shall have been pronounced after trial before a Tribunal, in which a Covenanted Servant of the East India Company, duly authorized in that behalf by such Prince or State, shall be one of the presiding Judges. And it is hereby enacted, that every Servant of the East India Company so authorized as aforesaid, shall forward with every Prisoner a certificate of his conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment may be carried into effect.

T. R. DAVIDSON

Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 28th October. 1843:

The following Act, passed by the Right Honourable the Governor General of India, in Council, on the 28th October, 1843, is hereby promulgated for general information.

ACT No. XIX. OF 1843.

An Act for amending the Law respecting the Registration of certain Deeds.

Whereas doubts have arisen as to the true meaning and construction of Act No. I. of 1843:

It is hereby enacted, that the said Act is repealed, except in so far as it repeals all provisions contained in any Regulation or Regulations of the Bengal, Madras, or Bombay Codes, touching the knowledge or notice had by parties to registered conveyances and other instruments affecting titles to land and other interests therein, of the existence of unregistered conveyances or other instruments affecting such titles or other interests therein.

II. And it is hereby enacted, that from the First day of May last past every deed of sale or gift of lands, houses or other real property, a memorial of which has been or shall be duly registered according to law, shall, provided its authenticity be established to the satisfaction of the Court, invalidate any other deed of sale or gift for the same property which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed—and that from the said day every deed of mortgage on land, houses and other real property as well as certificates of the discharge of such incumbrances a memorial of which has been or shall be duly registered according to law, and provided its authenticity be established to the satisfaction of the Court, shall be satisfied in preference to any other Mortgage on the same Property which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage, any knowledge or notice of any such unregistered deed or certificate alleged to be had by any party to such registered deed or certificate notwithstanding. Provided always that nothing in this Section contained shall be construed to extend to any deed or certificate made before the said First day of May last past.

III. And it is hereby declared and enacted, that no conveyance or other instrument affecting title to land, or any interest in the same whether made before or after the said First day of May last past, other than such deeds or certificates as aforesaid, are or shall be in any respect void for want of registration, any Act, Regulation or Law to the contrary notwithstanding.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

The 30th October, 1843.

The following Act is brought up before the Legislative Council this day—The Governor General of India in Council being desirous that no time should be lost in passing the Act Resolved, that the Rule requiring that no Draft of a Law shall be ordered to be published till at least one week shall have elapsed from the day on which it was first laid before the Council of India in its Legislative Department, and that the Rules requiring that all Acts of the Governor General of India in Council shall be brought up for second reading in two months, or in three months from the date of the first reading, be suspended in respect to the following proposed Act, and that it be at once passed into Law.

ACT. No. XX. of 1843.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

I. Whereas it is expedient that the Governor General should visit the North Western Provinces and other parts of India unaccompanied by any Member of the Council of India, it is enacted that during the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except always the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 11th November, 1843.

The following Act passed by the Right Hon'ble the Governor General of India in Council, on the 11th November, 1843, is hereby promulgated for general information.

ACT No. XXI. of 1843.

An Act for regulating the Emigration of Labourers from India to Mauritius.

I. Whereas it has been represented that the demands of the Island of Mauritius for Agricultural labor will by the end of this year be greatly diminished, and it is desir-

able that effectual measures should be adopted for providing a larger proportion of Female Emigrants to that Island than has been procured under the present system of Emigration, it is therefore enacted, that from and after the 1st day of January next ensuing, Emigration to Mauritius shall only lawfully take place under the provisions of the Act No. 15 of 1842 from the Port of Calcutta.

II. And it is hereby enacted, that it shall be competent to the Governor General in Council to nominate a proper person to act as Protector of Emigrants at Calcutta, and that no Emigrant shall be permitted to embark without a Certificate from the Agent appointed by the Government of Mauritius, countersigned by the Protector, to the effect that such person has been engaged by him as an Emigrant to that Island on the part of the said Government.

T. R. DAVIDSON
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

The 18th November, 1843,

The following Act, passed by the Right Hon'ble the Governor General of India in Council on the 18th November, 1843, is hereby promulgated for general information.

ACT No. XXII. OF 1843.

An Act for amending the Law relating to the Jurisdiction of the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs.

Whereas by Section XVII. of Regulation III. of 1793 of the Bengal Code, it was, amongst other things, provided that the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs should not receive or entertain any suit whatever against a person, who might be an inhabitant of Calcutta at the time the suit might be instituted, or might become a resident within the limits of the Town after the suit might be commenced:

And whereas inconvenience has arisen in consequence of persons escaping from the jurisdiction of the Dewanny Adawlut of the said Zillah of the Twenty-four Pergunnahs after suits have been commenced therein, and it is expedient to prevent such inconvenience:

It is therefore hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 18th November, 1843.

The following Act, passed by the Right Hon'ble the Governor General of India in Council on the 18th November, 1843, is hereby promulgated for general information.

Act No. XXIII. of 1843.

An Act for amending the Law relating to the Jurisdiction of the Zillah Courts in the Provinces ceded by the Nawaub Vizier and in some other places.

Whereas by Section XII. of Regulation II. of 1803 of the Bengal Code, it was, amongst other things, provided that Zillah Courts in the Provinces ceded by the Nawaub Vizier to the Hon'ble the East India Company, should not entertain any suit whatever against any individual actually resident, or being within the limits of the Town of Calcutta, unless such suit should relate to real property situated without the limits of Calcutta or to the public Revenue;

And whereas so much of the said Regulation as is hereinbefore recited has been extended by other Regulations to other Provinces, Zillahs and Pergunnahs:

And whereas the provisions of the hereinbefore recited part of the said Regulation are inconvenient:

It is hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed, as well with regard to the Provinces ceded by the Nawaub Vizier to the East India Company, as to the other Provinces, Zillahs and Pergunnahs to which it may have been extended.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

Home Department,

LEGISLATIVE,

The 18th November, 1843.

The following Act, passed by the Right Hon'ble the Governor General of India in Council, on the 18th November, 1843, is hereby promulgated for general information.

Act No. XXIV. of 1843.

An Act for the better prevention of the Crime of Dacoity.

Whereas it has been considered necessary to adopt more stringent measures for the conviction of professional Dacoits, who belong to certain Tribes systematically employed in carrying on their lawless pursuits in different parts of the country, and for this purpose to extend the Provisions of Acts XXX. of 1836, XVIII. of 1837, and XVIII. of 1839, for the prevention of Thuggee, to persons concerned in the perpetration of Dacoity:

I. It is hereby enacted, that whosoever shall be proved to have belonged either before or after the passing of this Act to any gang of Dacoits, either within or without the Territories of the East India Company, shall be punished with transportation for life, or with imprisonment for any less term with hard labor.

II. And it is hereby enacted, that any person accused of the offence of Dacoity with or without murder, or of having belonged to a gang of Dacoits, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by Dacoity, may be committed by any Magistrate within the Territories of the East India Company, and may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits.

III. And it is hereby enacted, that no Court shall, on trial of the offences specified in this Act require any Futwa from any Law Officer.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 23rd November, 1843.

The following Act, passed by the Right Hon'ble the Governor General of India in Council, on the 23rd November, 1843, is hereby promulgated for general information.

ACT No. XXV. OF 1843.

An Act for making the provisions of 5 and 6 Vic. C. 47, Sec. XI., applicable to India.

Whereas doubts have arisen as to whether so much of an Act passed in the 5th and 6th year of the reign of Her Majesty Queen Victoria, entitled "an Act to amend the Laws relating to the Customs," as provides "that from and after the 5th day of January 1843, any Articles of Foreign Manufacture, and any packages of such Articles imported into the United Kingdom or into the British possessions abroad bearing any names, brands or marks, purporting to be the names, brands or marks of Manufacturers residetn in the United Kingdom, shall be forfeited," is applicable to the Territories subject to the Government of the East India Company:

It is hereby enacted, that from and after the First day of May, 1844, any Articles of Foreign manufacture, and any packages of such Articles imported into the Territories subject to the Government of the said Company bearing any names, brands or marks, purporting to be the names, brands or marks of Manufacturers resident in the United Kingdom, shall be forfeited.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

ORDERS OF THE GOVERNMENT, N. W. P.

NOTIFICATION.

Agra,

JUDICIAL DEPARTMENT,

The 26th December, 1840.

The Hon'ble the Lieutenant-Governor has been pleased to determine that all standing Orders of the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and of the Sudder Board of Revenue shall be published only through the medium of the Urdu Government Gazette, and not as heretofore by Circular letters addressed to each individual Officer. The public Officers of the Government are therefore requested to take notice that the publication of any such order in the Government Gazette is to be held sufficient promulgation, and is to render the order binding upon all whom it may concern.

2nd.—General calls for information, or other instructions of a mere temporary nature, will still be issued by the Sudder Court and Board, in the form of Circular letters, and will not appear in the Gazette, such letters will continue to be received and acted upon as heretofore.

By Order of the Hon'ble the Lieutenant-Governor,

J. THOMASON,
Secy. to the Govt., N. W. P.

FINANCIAL DEPARTMENT,

The 7th November, 1840.

Officers applying to Government for leave of absence, under Medical Certificate, are requested to take notice that, agreeably with the orders of the Supreme Government, copies of which follow, their Certificates must be countersigned by the Medical Board, or the Superintending Surgeon of the Division—Certificates not so signed, will be returned.

By order of the Lieut.-Governor,

J. THOMASON,
Secy. to Govt., N. W. P.

Extracts from Orders, Financial Department, dated the 29th January, 1840.

Section V.—When an application for leave of absence is made on the ground of ill health, it must be accompanied by a Certificate from the Medical Officer, by whom the applicant has been attended, distinctly stating from the personal observation, the nature of the disease, the symptoms by which it is manifested, the period during which it has existed, as far as the knowledge of the Medical Officer extends, and the necessity for temporal removal to some other place, either within the Territories subject to the Government of the East India Company, or beyond them, but, within the limits laid down in Section IV, as the case may be, and such Certificate must be submitted to the consideration of the Medical Board, and if satisfactory, shall be countersigned by one of its Members. An application for an extension of leave must, if the applicant be in India, be accompanied by a Certificate from the Medical Officer by whom the applicant is attended, shewing sufficient reason for the extension solicited, and such Certificate like the former must be examined and countersigned by a Member of the Medical Board. If the applicant shall have proceeded beyond the Territories under the Government of the East India Company, he must furnish a Certificate to the required effect from a Surgeon, or Physician, at the place of his temporary residence, by whom he has been been attended; such attendance, and the period of it to be stated, and the Certificate to be countersigned by the principal Medical Authority of the colony, or country. When any of the required particulars are neglected, leave will be refused.

Extracts of Orders, Financial Department, dated the 24th June, 1840.

The following Resolution of the Government of India, is published for general information:

In explanation of Section V. of the Rules respecting absence from Civil Appointment on account of ill health, published under date the 29th January last, and in modification of the said Section, the Governor General in Council is pleased to resolve, that in cases of extreme urgency which, owing to the distance of the residence of the Medical Board, preclude the previous reference to that Authority, the certificate of the Medical attendant required from applicants for leave of absence on account of ill health, shall be submitted by them, for the consideration and countersignature of the Superintending Surgeon of the Division, or of the nearest Division which Officer in these cases will be responsible for the prescribed regularity of the certificate, instead of the Medical Board.

(True Extracts)

J. THOMASON,
Secy. to Govt. N. W. P.

Fort William,

FINANCIAL DEPARTMENT,

The 11th November, 1840.

PROCLAMATION.

The Governor General in Council is pleased to notify, that from and after the 11th day of November 1840, in respect to the Mint of Calcutta, and from and after the 1st

day of April 1841, in respect to the Mint of Fort Saint George and Bombay, those parts of Act No. XVII. of 1835 which were suspended by Act No. XXXI. of 1837, directing that certain Silver Coins issued from the Mints within the Territories of the East India Company shall bear on the Obverse the Head of the Reigning Sovereign of the United Kingdom of Great Britain and Ireland, will be again in force; and that the Device of the Silver Coins which shall be coined from and after the said dates respectively in the Mints of India, in conformity with Acts XVII. of 1835 and XXI. of 1838, will be as Act No. XVII. of 1835 requires, viz.

On the Obverse—The Head of Her Majesty Victoria with the words

VICTORIA QUEEN.

On the Reverse—The denomination of the Coin in English and Persian in the Centre, encircled by a Wreath, and around the margin the words

EAST INDIA COMPANY.

1840.

The Coin will be milled on the edge, with a serrated or upright milling like the Rupee now Current bearing the Head of His late Majesty William IV.

An engraving of the Victoria Device is hereunto annexed for the information of the Public.

OBVERSE. REVERSE.

The Weight, Standard, Fineness and value of the Company's Rupees, as defined in the Act, are here repeated.

Weight. 180 grains Troy, or one Tolah.

Standard Quality. Eleven twelfths Silver, one twelfth alloy.

Value. The same as the Company's Rupee of 1835, the Madras, Bombay, Furruckabad, and Sonat Rupee, and equal to fifteen sixteenths of the late Sicca Rupee.

The other silver Coins authorised to be issued from the Government Mints by Act No. XVII. of 1835 and Act No. XXI. of 1838, viz. double, half and quarter Rupees and two anna pieces will bear in all respects a due proportion to this Rupee.

The Governor General in Council hereby directs that all Magistrates, Collectors and other Public Officers will promulgate this Proclamation throughout their respective Districts; and that a translation of it be affixed in a conspicuous place at every Public Treasury.

Money Changers, Shroffs, Podars and others, should be required to take notice of the Provision in Act No. XVII. of 1835 against clipping, filing, punching, or otherwise defacing the legal Coin. The Silver Coins issued from the Mints of Government under Act XVII. of 1835 if not cut, clipped, marked, or otherwise wilfully impaired are legal tender for their full value until by gradual wear they have lost two per cent of their Original Weight.

Published by order of the Right Hon'ble the Governor General of India in Council.

G. A. BUSHBY,
Secy. to the Govt. of India.

The above Proclamation is re-published for general information.
By Order of the Hon'ble the Lieutenant-Governor,

J. THOMASON,
Secy. to the Govt. N. W. P.

7th December, 1840.

GENERAL DEPARTMENT.

NOTIFICATION.

Ahmednugger.
Bombay.
Bangalore.
Belgaum.
Bellary.
Cananore.
Hydrabad.
Kamptee.
Mhow.
Ootacammund.
Poona.
Secundrabad.
Trichinopoly.
Vizagapatam.
Agra.
Allahabad.
Bareilly.
Benares.
Cawnpore.
Delhi.
Dinapore.
Futtygurh.
Kurnaul.
Landour.
Lucknow.
Meerut.
Neemutch.
Nusseerabad.
Saugor.
Simla.
Ahmedabad.
Deesa.
Cabool.
Kurratchee.
Calcutta.
Madras.
Ceylon.
China.
Sincapore.
Miscellaneous.

Bombay. North-Western Provinces. Afghanistan.

It is hereby notified, for general information, that as the sorting of the contents of the English Overland Mails in the Bombay Post Office, occupies a great deal of time, and thereby considerably retards the delivery of the Letters, Newspapers, &c. and their despatch to Stations in the interior; the Honourable the Governor in Council, has recommended to the Honourable the Court of Directors, to make arrangements with the Post Office Authorities in London for separate packets being made up in the London Post Office, for the several Stations enumerated in the margin, which will greatly facilitate the despatch of the letters from Bombay. or if such a complete sub-division cannot be made, the Honourable the Court have been requested to arrange for separate packets being made up, for the four different Presidencies of *Agra, Bombay, Calcutta,* and *Madras,* as well as for *Ceylon* and *China;* but to render this arrangement complete, and fully effective, it will be necessary, that parties should request their correspondents in England, in addressing their letters, to be particular in inserting the Station, or the most approximate one given in the List, to which the parties addressed in India, belong, so that the Post Office Authorities in London, may know, in which packet to put the letters; a careful observance of this Rule will prevent mistakes, as well as delay and confusion in their delivery, in this country. The Governor in Council would therefore recommend, that particular attention be paid to this point, calculated, as it is, to prove of so much benefit to the public in general.

By Order, &c.,
(Signed) W. R. MORRIS,
Secy. to Govt.

Bombay Castle, 7th December, 1840.
Re-published for general information.
By Order of the Hon'ble the Lieutenant-Governor, N. W. P.
W. EDWARDS,
Asst. Secy. to the Govt., N. W. P.

JUDICIAL DEPARTMENT,

The 27th January, 1841.

The Honorable the Lieutenant Governor has been pleased to determine that, from this date, an enlarged issue of the Agra Urdu and English *Government Gazette* shall take place. Each Public Officer filling a permanent appointment, will find himself provided with a copy for the use of his own Office, and one for each Principal Judicial or Revenue functionary, in responsible employ under him. All Officers, to whom copies are furnished for distribution are hereby required and directed to arrange, that the distribution, be promptly and immediately made to those of their subordinates for whom they are designed. The Judges will distribute the copies they may receive, to the Principal Sudder Ameens, Sudder Ameens and Moonsiffs, and the Collectors, to the Tehseeldars, and Peshkars, within their several spheres of control. If the number provided, be found not exactly to correspond with the number of their subordinates, they will make the most judicious distribution in their power, and will not apply for more, except on strong and sufficient grounds; all applications for additional copies, must be addressed to the Secretary to the Government of the North Western Provinces, in the Judicial Department, through the customary channels for Official Correspondence.

All Officers of the Government, who are thus provided with copies of the *Government Gazette*, will be careful regularly to file them, and preserve them amongst the public records of their Office. They will also make arrangements for enabling all persons to have access to the files, who may wish to consult them, or make notes or extracts of the contents, for their own use.

By Order of the Hon'ble the Lieut. Governor,

J. THOMASON,
Secy. to the Govt., N. W. P.

NOTIFICATION.

JUDICIAL DEPARTMENT,

The 10th February, 1841.

The Honourable the Lieutenant-Governor directs, that, on the appearance of this Notification in the *Gazette*, the several District Committees proceed to form themselves in the manner herein prescribed:

1. Committees shall be formed in each District, for the management of the Surplus Ferry Funds collected under Regulation VI. 1819, and applicable under Clause II. Section VII. of that enactment to the promotion of the convenience and safety of travellers, and the facility of Commercial intercourse.

2. These Committees shall consist of the Magistrate and Collector, the Joint Magistrate and Deputy Collector, the Executive Engineer, the Civil Surgeon, and any other number of persons whom they may associate with themselves, subject to the confirmation of the Commissioner of the Division, whose approval is necessary—when once so appointed, they are only removable by the Government. Three Members shall constitute a quorum for the transaction of business.

3. The Commissioner of the Division shall be a Member of the Local Committees, and preside at the Meetings whenever he is present. He shall also have a casting vote, whether absent or present, when opinions are divided.

4. The whole country is divided into *four* Unions, each of which is supposed to contain within itself great lines of Commercial intercourse, crossing the country from East to West. The Surplus Ferry Funds in these, are to be thrown together and divided between the several Districts which compose them.

The first Union will consist of the Districts of Bijnore, Moradabad, Suharunpore, Moozuffernuggur, Meerut and the Delhi Territory.

The second Union will comprise the Districts of Bareilly, Pillibheet, Shajehanpore, Budaon, Furruckabad, Mynpoorie, Allyghur, Boolundshuhur, Muttra and Agra.

The third Union will comprise the Districts of Etawah, Cawnpore, Futtehpore, Allahabad, Humeerpore, and Banda.

The fourth Union will consist of the Districts of Goruckpore, Azimgurh, Juanpore, Mirzapore, Benares and Ghazeepore.

5. At the close of each Official year the Accountant will ascertain what is the amount of the Surplus Ferry Funds in each Union during the preceding year, and distribute the total equally amongst the several Districts comprised in it. Though the Government reserves to itself the power of making a different allotment of the Funds, should such alteration hereafter appear expedient. The Delhi Territory, for this purpose, should be considered as comprising four Districts, Rohtuck being united with Paneeput, and Hurreeanah with the Bhuttee Territory. The adjustment for the year, ending with April 30th, 1840, including the amounts accrued in former years, will be made immediately and the result communicated by the Accountant to the several Magistrates.

6. Each Committee will keep a book, in which will be entered minutes of all its proceedings and resolutions. The proceedings of each Meeting will be attested by the Members, who are present—Appointments, to be Members of the Committee, must be entered on the proceedings. This book shall always be open to the inspection of any persons, who are desirous to peruse it.

7. Any Member of a Committee shall have the power to demand a reference to the Government, through the Commissioner, on any point on which he may differ from the majority.

8. The Commissioner, on the recommendation of the Committee, is competent to sanction Establishments to the amount of 150 Rupees per mensem, and estimates for works to the extent of 500 Rupees on any one work. Larger undertakings, than the above, must be submitted to the Government for approval.

9. The disbursements will be exhibited as heretofore in the Magistrates' Accounts, and passed under the rules applicable to such cases. The Magistrates will pay on an order signed by three Members of the Committee and the authority of the Commissioner.

10. The same Committee constituted as above will administer the one-per-cent Road Fund, but, without the restrictions on the disbursements contained in Para. 8.

11. The District Committees will understand, that the following roads are exempted from their control and are entirely under the charge of the Military Board.

The Grand Trunk Road from the banks of the Currumnassa to Delhi, with branches from Goorshaigunge to Furruckabad and Gazeeooddeennuggur to Meerut.

The road from Mirzapore to Saugor.

Due information will hereafter be given of any other roads, which may be similarly exempted from their supervision.

12. The attention of the several Commissioners and District Committees is directed to the early completion of the lines of road detailed in the following Extract (Para. 12 to 21) of a letter from the Sudder Board of Revenue to Government, dated October

6th last. The Committees will be careful to act in combination with each other along these lines.

Extract of a letter from the Secretary to the Sudder Board of Revenue, North Western Provinces, No. 412, dated 6th October, 1840.

Para. 12th. 1st Union commencing from the North and West, the first Union should consist of the Districts of Bijnore, Moradabad, Suharunpore, Moozuffernuggur, Meerut and the Delhi Territory. The Sugar of Bijnore and Moradabad, the Spices, Metals, Minerals and Drugs of the Hills pass through these districts by the following lines:

From Nujeebabad and Nuggeena through Suharunpore and Umbehta to Jughadree and Umritser.

From the same origin through Deobund and Gungah to Thunesur, Umballah, Putteeala, &c.

From the same quarter through Bhukurkeree and Moozuffernuggur to Shamlee, and thence to the Delhi Territory and protected Sikh States.

Through Meranpore, Neloha, Meerut and Moradnuggur to Delhi, thence of course to all Rajpootana and every other Southern, Western and North-Western country to Lahore, Bahawulpore, Scinde and Surat.

From the marts of Chandpore and Sher Kote in Moradabad, through Meerut, Bagput and Shahdera to Delhi.

From Umroha in Moradabad, viâ Meerut and Bagput, and also viâ Hapur and Dasnah to Delhi.

Para. 13th. The trade on the two upper lines is of less importance, but the trade in all the remaining lines, is immense in quantity and value. By these, the Rice and Sugar of Rohilkund, and the various articles of Hill produce are conveyed through the numerous marts in the Upper Doab, to Lahore, the protected Sikh States and Upper Rajpootana, as far as the banks of the Indus, and an immense return trade in Salt is maintained. The Funds of all the Ferries crossed by these lines of trade cannot, in the Board's opinion, be more equitably used for the benefit of those, from whom they are received, than by facilitating communication on these lines.

Para. 14th. The second Union, the Board observe, should be formed from the Districts of Bareilly, Pillibheet, Shahjehanpore, Budaon, Furruckabad, Mynpoorie, Alligurh, Boolundshuhur, Muttra and Agra.

15th. The lines of trade from central and lower Rohilkund pass through these Districts, in the following directions:

From Chundowsee in Rohilkund, by Anoopshuhur and Coel to Hatrass, and thence to Muttra and Agra.

From Beesulpore, Ounlah and Suheswan in Rohilkund, by Ramghat, Atrowlee and Coel to Hatrass, and thence as before.

From Shahjehanpore and Budaon in Rohilkund, by Soron Khasgunj, Marherah and Secundra Rao to Hatrass, and thence as before.

From Shahjehanpore, Furreedpore, Beejibra, Imrutpore, and other marts in lower Rohilkund, by Furruckabad through Ulleegunj, Etah and Hatrass, to Muttra and Agra.

From the same quarter through Etah and Julleysur to Agra.

From Furruckabad through Mynpoorie and Shekoabad and Ferozabad to Agra.

Para. 16th. The third Union, the Board remark, should consist of the District of Etayeh and those of the fourth Division, namely, Cawnpore, Futtehpore, Allahabad, Humeerpore and Banda.

Para. 17th. The whole trade of the Oudh country, with the Southward, and vice versâ, is carried on through these Districts.

18th. The lines are from Cawnpore through Ukberpore and Bhogneepore, to Calpee.

From ditto through Korah Jahanabad to Humeerpore, and by Ghatumpore to the same place.

From Cawnpore through Kudgwa and Bindkee to Banda, and,

From Futtehpore to Banda, and of course from all these points to the numerous Marts in Bundelcund, and onward to the South.

19th. These tracts are, however, all of less consequence than those above described, and the most important in this union, are from Allahabad viâ the Lohagee pass to Mongawah and Rewah, and from Allahabad viâ Mirzapore to Chunar and Moghul Suraie, on the high road from Calcutta to Benares.

Para. 20th. The fourth Union in the Board's opinion, should consist of the Districts of the fifth Division, which, being divided off from the rest of these Provinces by the Territory of Oudh, form a distinct tract.

Para. 21st. The principal lines of land Carriage in that Division, are as follows:

From Goruckpore through Azimgurh, Jounpore and Phoolpore to Allahabad. On this line, a considerable trade is carried on of Cotton imported to the Northward, and Hill products sent Southward.

From Goruckpore through Dohree, Ghosee, Kopa and Mow to Ghazeepore.

From Goruckpore through Toorteepar, Secunderpore and Kasimabad, to Ghazeepore and by Russerah, a large inland and very wealthy mart to Bulleah and other ports on the Ganges.

From Azimgurh through Mahomedabad and Mow to Ghazeepore.

From the same place through Cheriakote.

A Road is also much required from Azimgurh through Deogaon and Keerakut, or through Cheriakote and Syedpore Bhittree to Benares.

J. THOMASON,
Secy. to the Govt., N. W. P.

JUDICIAL DEPARTMENT,

Circular No. 703.

To Commissioners of Divisions.

Sir,—The Honourable the Lieutenant-Governor has observed, that it is frequently the practice of the Magistrate and Collector of a District entirely to devolve the charge of the Magistracy upon his subordinate, the Joint Magistrate and Deputy Collector, whilst he confines himself to the performance of his duties in the Revenue Department. Hence an impression has sometimes arisen, that the duties of the Collector, are the higher and more important; whilst those of the Magistrate, are inferior and of less moment.

2. It is, therefore, considered necessary, to remind all Officers in these situations, of the considerations which have influenced the Government in maintaining the appointments on their present footing; and of the responsibility, which is considered as consequently attaching to them.

3. The intimate connection, which the Revenue system in these Provinces establishes between the agricultural classes and the Collector, induces the hope, that the experience, local knowledge and influence, which he exercises in that capacity, may be brought in many respects to aid him in the discharge of his Magisterial Functions. The entire control of a District, on all subjects in which the Executive has transactions with the people, is thus placed in the hands of an experienced Officer, with whom rests the entire responsibility for their safety, comfort and welfare. In the Magisterial Department, he is bound to protect the people from violence or injury; whilst in the Revenue Department, he is entrusted with the realization of the moderate and now well defined demand of the State, under precise rules laid down for his guidance. In the former capacity, he should be regarded by all persons as their protector; in the latter capacity, he is constituted the peculiar guardian of the agricultural interests.

4. The two branches of his duty are, in fact, closely united. Neglect or maladministration of the one, has a natural tendency to act injuriously upon the other. A state of insecurity, or distress, arising from defective Police arrangements, may impede the punctual realization of the Revenue, whilst harsh or ill-advised measures in the Revenue Department, may lead to acts of rapine and violence, which bring discredit on his police.

5. For the performance of this important duty, he is supplied with the services of a well qualified Assistant, who is vested with power to perform any of the duties required of himself; and on whom, he is competent at his own discretion to devolve the execution of any part of his functions, regulating or controlling their discharge, as the exigencies of the case may require.

6. It is impossible precisely to describe, how the assistance in this manner afforded, is to be always called into exercise. Much must depend on the peculiar qualifications of the Principal or the Subordinate, on the character of the people, the circumstances of the District, or the state of public business. The reputation of an Officer, as well as the vigour and efficiency of his administration, mainly depends on the skill with which he may avail himself of the assistance thus placed at his disposal. He should generally strive to divest himself of the conduct of details; whilst at the same time, he maintains a vigilant control over the whole, and applies himself to the more minute administration of those parts of the District, or those branches of his Office, which appear to be most defective, and to require more peculiar care.

7. The point, however, to which the Lieutenant-Governor wishes more particularly to call the notice of Magistrates and Collectors, is this, that he considers them as vested with the entire responsibility for the due performance of all their duties: and that, nothing less than the order of Government, which may for peculiar reasons, at any time, relieve them from a particular portion of their duty, can be pleaded in bar of that responsibility. The Magisterial functions, as those which affect the whole mass of the population, and in which the larger discretion and greater power of working for evil or good, exists, are those, in which the responsibility should be most felt, and in which the Government has most need to urge its importance.

8. You are requested to furnish a copy of this letter to each Magistrate and Collector in your Division, for his information and guidance; and you will lose no opportunity of keeping in the remembrance of these Officers, the considerations here advanced. Your own position as Superintendent of the Police, as well as of the Revenue affairs in your Division, renders you the fitting organ of the Government for the assertion and enforcement of these principles. At the same time, your higher experience, and more mature judgment should enable you, by suggestion and advice, to point out

the peculiar method in each case, in which the wishes of the Government may be carried into effect.

J. THOMASON,
Secy. to the Govt., N. W. P.

Agra, 19th April, 1841.

JUDICIAL DEPARTMENT.

CIRCULAR No. 997.

To Commissioners of Divisions.

The Hon'ble the Lieutenant-Governor has observed with regret an instance brought to his notice in the annexed Extract (Para. 114,) from the Police Report of the Agra Division for the past year, where the Omlah of a District are deeply indebted to the Treasurer. The prevalence of such a pratice is greatly to be deprecated, and should be discountenanced in every possible manner. I am directed to express the strong disapprobation of the Government of the practice, and to request that you will put the Officers subject to your control on their guard against the consequences naturally liable to result from such a state of things.

J. THOMASON,
Secy. to the Govt., N. W. P.

Agra, 28th May, 1841.

Extact Para. 114 *from the Agra Police Report for the year* 1840, *dated the* 17*th April,* 1841.

Para. 114. There is a subject which I consider calls for some prohibitory notice from Government. I allude to the practice, which obtains of the Omlah being in debt to the Treasurers of their several Offices. In one District, I have reason to know, that so large a sum as Twenty Thousand Rupees was outstanding in transactions between the Treasurer and the several subordinates from the Sheristadar downwards. Such a practice operates most injuriously, it tends to make all combine to withhold any information which may involve suspension of pay; besides it has another very destructive effect in causing persons to be recommended for office at the requisition of the creditor, whose influence and undue power become most pernicious. The Law prohibiting money transactions between the Covenanted Branch of the Services with the Treasurer of the District, should, I think, be declared applicable to all Government Servants in a District and a declaratory intimation of the disapprobation of Government to such transactions and of its desire that they should be discountenanced, would, I have no doubt, be a most beneficial preliminary.

(True Extract.)

J. THOMASON,
Secy. to the Govt., N. W. P.

JUDICIAL DEPARTMENT,

The 4th September, 1841.

The following Extract from a despatch, from the Hon'ble the Court of Directors, No. 5, of 2nd June, 1841, is published for general information:

"Considering the numerous cases interesting to men engaged in business as "Bankers and Indigo Planters which must come before the Civil Officers of a District, "we think it obvious that it is highly objectionable to permit Civil Surgeons to be so "employed. We therefore direct that you prohibit the practice for the future in every "case, and that in the cases in which it has been permitted, no extension of such em-"ployment be allowed."

"The contravention of this order must be considered as *ipse facto* a resignation of "our Service; and we desire you to publish our decision for general information."

By Order of the Hon'ble the Lieutenant-Governor, North-Western Provinces.

J. THOMASON,
Secy. to the Govt. N. W. P.

REVENUE DEPARTMENT,

NOTIFICATION,

The 17th April, 1841.

The British Government are earnestly desirous to improve the natural products of this country, so as to enable them to come into competition in foreign Markets with the products of other countries.

2. Hitherto the quality of the Cotton produced in America has been so much superior to what is grown in this country, that there has been a very limited demand for the cotton of Hindoostan. The superiority of the American Cotton, results not only from greater skill in its cultivation, but from an improved method of cleaning the Cotton and preparing it for the Market.

3. With a view to improve the cultivation and preparation of Cotton in this country the Government at a great expense and with much difficulty have engaged the services of several American Cotton Cultivators, who have been stationed in different parts of the country, to conduct experimental farms. Four Cultivators under the Superintendence of Captain Bayles, an Officer of the Madras Army, have been assigned by the Supreme Government to these Provinces and been located in the neighbourhood of Calpee, where experimental farms are forming on either side of the Jumna in the Districts of Humeerpore, Futtehpore, Cawnpore and Etawah.

4. The Government are desirous, that the natives of the country should make themselves acquainted with the American mode of cultivating and preparing Cotton, so that they may be enabled to improve their own process; and thus add to the value of their products and ensure for themselves a large demand for the produce of their land.

5. All Zemindars and Agriculturists who are interested in the production of Cotton are earnestly requested to avail themselves of the means of increasing their wealth, which the Government has now placed within their reach. Captain Bayles has been instructed to receive with kindness and attention all persons, who may be sent to him for instruction; and to afford them every possible facility for acquiring a knowledge of the details of the improved process, and of the reasons upon which any deviation from the Native practice is founded. Agriculturists are therefore invited, either to repair

themselves or depute their Agents to these experimental farms, for instruction on the subject. They will address themselves either directly to Captain Bayles, or seek an introduction to him from the Collector of their District.

6. All Collectors and other Officers of the Government, more especially those in the Revenue Department, are requested to exert themselves to circulate amongst the well informed classes of Native Gentlemen Landholders a knowledge of the wishes and views of the Government; and to afford every encouragement to persons, who may wish to avail themselves of the benefits placed within their reach.

7. The rulers and subjects of Independent States are also invited to a participation in this boon, and are assured, that the Government is desirous to afford them equal advantages with its own subjects.

8. The Collectors are authorized to frank on the public Service, all communications to Captain Bayles upon the subject embraced in this notification which may be brought to them by private individuals; and in like manner public Officers are authorized to frank all communications between Employers and their Agents at the farms, on the subject of the Cotton Cultivation.

9. Large quantities of foreign Cotton seed of a superior quality have been placed at the disposal of the public Officers and private individuals, noted in the margin* by the Government and the Agricultural and Horticultural Society. Portions of this seed will on application be given to Cultivators, who may afford satisfactory assurance of an earnest desire to improve the cultivation and adequate means for effecting it.

* Captain Bayles, Calpee; R. Montgomery, Esq, Collector of Allahabad; D. F. Macleod, Esq. Principal Assistant at Jubbulpore; J. O. B. Saunders, Esq. near Hatrass; Mr. Kaine, Supt. of Government Gardens at Secundra; H. H. Bell, Esq. Omeghur; M. C. Ommaney, Esq, Saugor.

By Order of the Hon'ble the Lieut.-Governor,

J. THOMASON,
Secy. to the Govt., N. W. P.

REVENUE DEPARTMENT,

NOTIFICATION,

The 19th November, 1841.

The Hon'ble the Lieutenant-Governor is pleased to direct that the sanction of Government shall be obtained and notified in the Official Gazette before a Deputy Collector under Regulation IX. of 1833, can be placed by his Covenanted Superior in charge of the Collector's Treasury. Public Officers will observe that when an Uncovenanted Deputy Collector has been appointed to the charge of a Revenue Treasury with the sanction of Government, he is competent to negociate Bills and to perform all other duties of the Treasury, he being responsible jointly with the Treasurer for the custody of the public money and for the proper observance of all the prescribed Checks and Accounts, but the Collector or other Covenanted Superior is not thereby exonerated from his General responsibility as head of the Office for the affairs of the public Treasury. Applications under this notification to be made through the usual channel.

By Order of the Hon'ble the Lieut.-Governor.

R. N. C. HAMILTON,
Offg. Secy. to the Govt., N. W. P.

Fort William,

FINANCIAL DEPARTMENT,

The 29th September, 1841.

Conformably with a rule prescribed by the Hon'ble the Court of Directors, the Right Honourable the Governor-General in Council is pleased to determine, and to notify for general information, that no Civil Servant, or Military Servant holding a Civil appointment, required by the exigencies of the Service to discharge the duties of a second office, will be entitled to draw the salary of the two offices.

Benares. Bundelkhund. Delhee. Saugor.

His Lordship in Council is pleased to exempt from the immediate operation of this rule, the Officers holding the appointment of Agent to the Lieutenant-Governor in the North-Western Provinces, and drawing a salary of 500 Rupees a month in that situation in addition to the salary of their other Civil appointment; and to except also the situation at certain stations of Post Master held by the Civil Surgeon, who is separately remunerated for the former office.

Published by Order, &c.

(Signed) G. A. BUSHBY,
Secy. to the Govt. of India.

Republished by Order of the Hon'ble the Lieutenant-Governor, N. W. P.

R. N. C. HAMILTON,
Offg. Secy. to the Govt., N. W. P.

MINT DEPARTMENT,

PROCLAMATION,

The 13th January, 1841.

The Governor General in Council is pleased to notify that the Gold Coins henceforth to be issued from the Government Mints at the different Presidencies in India, in conformity with Act No. XVII. of 1835, shall bear the following Device:

On the Obverse—The Head of Her Majesty Queen Victoria, with the words

VICTORIA QUEEN 1841.

On the Reverse—A Lion and a Palm Tree in the centre, with the designation of the Coin in English and Persian below, and around the margin the words

EAST INDIA COMPANY.

The Coin will be milled on the edge like the Rupee.

An Engraving of the Device is hereunto annexed.

The Weight and Standard will be according to the Act as follows:

Weight of the Gold Mohur or Fifteen Rupee piece—180 Grains Troy.

Standard of ditto 11-12ths or 165 Grains pure Gold; 1-12th or 15 Grains alloy.

The other Gold Coins, viz. the Five Rupee, Ten Rupee, and Thirty Rupee or Double Gold Mohur Pieces, will be of the same Standard as the Gold Mohur or Fifteen Rupee Piece, and of proportionate weight.

Officers in charge of Public Treasuries are hereby authorized freely to receive these Gold Coins at the rates, until further orders, respectively denoted by the denomination of the Pieces, until they shall have passed the limits of lightness allowed for wear laid down in the annexed table, when they will only be receivable as Bullion, and be subject to a deduction of one per cent, for seignorage:

THE PIECE FOR

	30 Rs.	15 Rs.	10 Rs.	5 Rs.
Standard Weight, ...	360 gr.	180 gr.	120 gr.	60 gr.
Limit for Wearage	3 „	1½ „	1 „	½ „
Minimum Weight, ...	357	178½	119	59½

The Gold Coin received in Public Treasuries will be disposed of as may be ordered by the Accountant General, or the Accountant of the Presidency.

The Governor General in Council directs that all Magistrates, Collectors, and other Public Officers will promulgate this Proclamation throughout their respective Districts; and that a translation of it be affixed in a conspicuous place at every Public Treasury.

Published by order of the Right Hon'ble the Governor General of India in Council.

G. A. BUSHBY,
Secy. to the Govt. of India.

The above Proclamation is republished for General information.

By Order of the Hon'ble the Lieut.-Governor,

J. THOMASON,
Secy. to the Govt., N. W. P.

1st March, 1841.

GENERAL DEPARTMENT,

The 7th January, 1841.

Dr. O'Shaughnessy, having been appointed Chemical Examiner, under a Resolution of the Government of India, dated 23rd April last, Public Officers are hereby informed, that they are at liberty to refer to him, either for the examination of Ores and Minerals,

of Drugs for the Dispensaries, of Medical Stores, and generally on all questions calling for Chemical Analysis, in which the interests of the Public Service in any Department are concerned.

By Order of the Hon'ble the Licutenant Governor,

J. THOMASON,
Secy. to the Govt. N. W. P.

GENERAL DEPARTMENT,

NORTH WESTERN PROVINCES,

The 2nd February, 1841.

With reference to the notification that appeared in the *Calcutta Gazette*, under date the 31st October, and *Agra Gazette* of the 24th November last, the following amended Regulation being the 5th of the series of the Regulations prescribed by the Honourable the Court of Directors for the grant of extensions of leave to the Members of the Judicial Civil Establishments repairing to England under the absentee Regulations, or on special leave of absence, is re-published for general information.

"The Act of the 33, Geo. 3, Chapter 52, Section 70, as it respects Civil Servants applies only to cases of sickness or infirmity, and that no Civil Servant be hereafter considered eligible to return to the Service after five years' absence under that enactment who has failed to obtain agreeably to the foregoing Regulations an extension of leave under the circumstances referred to in the Act."

By Order of the Hon'ble the Lieut.-Governor, N. W. P.

W. EDWARDS,
Assist. Secy. to the Govt., N. W. P.

GENERAL DEPARTMENT,

The 1st June, 1841.

All Indents for Stationery from Offices under the Government of the North Western Provinces, are in future to be forwarded to the Stationery Office on the 1st July of the year preceding, in order to admit of supplies reaching their destination by the commencement of the time in which they are required to be used.

Indents for 1842 will accordingly be despatched from this branch of the Presidency on the 1st July next.

By Order of the Hon'ble the Lieut.-Governor.

W. EDWARDS,
Assist. Secy. to the Govt., N. W. P.

No. 755.

The 15th July, 1841.

Extract of a Resolution passed by the Government of India, under date the 16th Ultimo.

In order to ensure uniformity of practice at all the Presidencies in the application of Rules XIV. XVI. and XVII. it is hereby explained that Rule XIV. refers to the

appointment of Civil Servants previously not holding any permanent situation, such as servants for the first time appointed to a fixed situation after their return from furlough.

These servants are entitled, under Rule XIV., to the allowances of their new office from the day of appointment, provided they do not come under forfeiture by exceeding the time prescribed for joining their station.

And Rules XVI. and XVII. are to be construed as applying to cases where there is a change of office with increase of salary; a special course being prescribed with regard to Junior Civil Servants; they, under Rule XVI., are authorized to draw the salary of Assistant from the date of their being reported qualified for the public service, unless forefeited through delay in joining the station to which they have heen appointed.

(True Extracts)

J. THOMASON,
Secy. to the Govt., N. W. P.

No. 784.

NOTIFICATOIN.

Agra.

GENERAL DEPARTMENT,

The 22nd July, 1841.

To all Public Officers attached to the North-Western Provinces.

The Hon'ble the Lieutenant-Governor is pleased to direct that the following Circular Order be re-published for general information, and that its observance be especially enjoined on all Public Officers.

CIRCULAR.

To Commissioners, &c.

Sir,—Great inconvenience and delay having been experienced by Officers referring direct to Government questions connected with their allowances, I am directed by the Right Hon'ble the Governor-General to communicate, for your information and that of the Officers subordinate to you, that such questions are, in future, to be submitted for the consideration of Government, through the Civil Auditor for the North-Western Provinces, through whom, in like manner, the decision of Government will be communicated to the parties concerned.

I have, &c.

(Signed) J. DAVIDSON, *Offg. Secy. to the Governor-General, N. W. P.*

Camp Bijowlee, Judl., Rev., and Genl. Depts, Jan. 18th, 1840.

By Order of the Hon'ble the Lieutenant-Governor.

J. THOMASON,
Secy. to the Govt. N. W. P.

GENERAL DEPATMENT,

The 10th September, 1841.

The Hon'ble the Lieutenant-Governor for the North Western Provinces is pleased to remind Officers employed under this Government, that when applying for furloughs they should send a duplicate of the application addressed by them to their own Government to the Secretary to the Government of Bengal in the General Department at the Presidency, when their claims will be noted and taken into consideration on the 1st of November, along with those of servants attached to the Bengal Division of the Presidency.

Fort William,

No. 164.

GENERAL DEPARTMENT,

The 27th October, 1841.

The Right Hon'ble the Governor General in Council is pleased to direct the following Copy of a Warrant, containing a Table of Precedence for defining the progressive and relative rank of persons holding appointments in India, which Her Majesty has been graciously pleased to issue under Her Royal Sign Manual, to be published for general information; together with an Extract from the Despatch from the Hon'ble the Court of Directors to the Governor General in Council, in the Public Department, dated the 18th of August 1841, (para. 2) with which the Copy of Her Majesty's Warrant was received.

By Order of the Right Hon'ble the Governor General of India in Council,

G. A. BUSILBY,
Secy. to the Govt. of India.

WARRANT OF PRECEDENCE IN INDIA.

VICTORIA REG.

L. S.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. To all to whom these Presents shall come Greeting. Whereas, it hath been represented unto us, that it is advisable to regulate the Rank and precedence of persons holding appointments in the East Indies.

In order to fix the same and prevent all disputes, We do hereby declare, it is Our Will and Pleasure, that the following Table be observed with respect to the Rank and Precedence of the persons hereafter named, viz.

The Governor General or Governor General for the time being.
The Deputy Governor of Bengal.
The Governor of Madras.
The Governor of Bombay.
The Governor (or Lt. Governor) of Agra.
The Chief Justice Bengal.
The Bishop of Calcutta.
The Chief Justice Madras.
The Bishop of M dras.
The Chief Justice Bombay.

The Bishop of Bombay.
The Commander-in-chief in India, when also a Member of the Supreme Council.
Members of the Supreme Council of India, according to their situation therein.
Members of Council, Bengal, according to their situation therein.
The Commander-in-chief at Madras, when also a Member of Council.
Members of Council at Madras according to thir situation therein.
The Commander-in-Chief at Bombay, when also a Member of Council.
Members of Council at Bombay, according to their situation therein.
The Puisne Judges of the Supreme Court at Calcutta, according to date.
The Puisne Judges of the Supreme Court at Madras, according to date.
The Puisne Judges of the Supreme Court at Bombay, according to date.
The Recorder of Prince of Wales' Island.
The Commander-in-chief in India.
The Commander-in-Chief of H. M.'s Naval Forces.
The Commander-in-Chief of the Army at the several Presidencies (not being Commanders-in-Chief in India) according to relative rank in their respective services.
Naval and Military Officers above the rank of Major-General.
Members of the Sudder Adawlut, according to their situation therein.
Members of the Law Commission, according to their situation therein.
Civilians with reference to their Rank and Precedence to be divided into six classes.

Civilians of 35 years standing from the date of rank assigned to them on their arrival, to form Class I, and from date of entering such class to rank

With

Major-Generals, according to date of Commission.

Civilians of 20 years standing from the date of rank assigned to them on their arrival, to form Class II, and from date of entering such class to rank

With

Colonels, according to date of Commission.
Archdeacon, ... Calcutta.
Archdeacon, ... Madras.
Archdeacon, ... Bombay.

Civilians of 12 years standing from date of rank assigned to them on their arrival, to form Class III, and from date of entering such class to rank

With

Lieutenant-Colonels, according to date of Commission.

Civilians of 8 years standing from date of rank assigned to them on their arrival to form Class IV, and from date of entering such class to rank

With

Majors, according to date of Commission.

Civilians of 4 years standing from date of rank assigned to them on their arrival to form Class V, and from date of entering such class to rank

With

Captains, according to date of Commission.

Civilians under 4 years standing from date of rank assigned to them on their arrival, to form Class VI, and to rank

With

Subalterns according to date of Commission.

All Officers not mentioned in the above Table, whose rank is regulated by comparison with rank in the Army to have the same rank with reference to Civil Servants as is enjoyed by Military Officers of equal grades.

All other persons, who may not be mentioned in this Table, to take rank according to general usage, which is to be explained and determined by the Governor General in Council, in case any question shall arise.

Nothing in the foregoing Rules, to disturb the existing practise relating to precedency at Native Courts, or on occasions of intercourse with Natives, and the Governor General in Council, to be empowered to make Rules for such occasions in case any dispute shall arise.

All Ladies to take place according to the Rank assigned to their respective husbands, with the exception of Ladies having precedence in England, who are to take place according to their several ranks, with reference to such precedence, after the wives of the Members of Council at the Presidencies in India.

Given at Our Court, at St. James's, this twenty-eighth day of June, in the year of Our Lord one thousand eight hundred and forty-one, and in the Fifth Year of our Reign.

By command of Her Majesty,

(Sd.) NORMANBY.

East India House,
London, the 18*th August,* 1841.

(A true Copy.)

(Sd.) J. C. MELVILLE, *Secretary.*

Extract from a dispatch from the Hon'ble the Court of Directors, in the Public Department, dated the 18*th of August, No.* 16 *of* 1841.

Para. 2. The denominations of Senior and Junior Merchant, Factor and Writer, under which the Civil Service have heretofore been classed having become quite inapplicable in consequence of the alteration in the constitution of the East India Company, are to cease from the date of the promulgation of the Warrant at the respective Presidencies, and on assigning relative rank to our Civil Service, they will thenceforward be divided into six classes, according to their date and standing as defined in the Warrant.

(True Copy and Extract.)

G. A. BUSHBY,
Secy. to the Govt. of India.

Re-published by Order of the Hon'ble the Lieutenant-Governor.

R. N. C. HAMILTON,
Offg. Secy. to the Govt. N. W. P.

(No. 11.)

POLITICAL DEPARTMENT,

Agra,

The 8*th March,* 1842.

The following additional Clauses are sanctioned to Rules VII. and X. of the Kussoollee Code.

RULE VII.

Clause I. Always provided that should the rents due for any allotments fall in arrears for a period exceeding two Years and that no personal property be found on the Estate from which the arrears are leviable the grant shall be resumable by Government.

RULE X.

Clause I. Always provided that the bidder of the highest price shall pay in to the Political Agent or his Assistant the *full* amount of his bid within six weeks after the Sale of the contested site; failing to do which he shall forfeit all right and title to the ground knocked down to him: and a resale of the disputed site shall take place at such future period as may be determined by the Political Agent and subject to the same Rules as those prescribed for the original Sale.

By Order of the Hon'ble the Lieut.-Governor, North Western Provinces.

R. N. C. HAMILTON,
Secy. to Govt. N. W. P.

N°. 463.

GENERAL DEPARTMENT,

ANNUITY.

The following Resolution passed by the Right Hon'ble the Governor General in Council is published for general information.

Fort William,

FINANCIAL DEPARTMENT,

The 1st April, 1842.

Resolved, that the resignation of the Civil Service for the purpose of accepting an Annuity be addressed in future to the Government of India in the General Department, and in the case of Civil Servants holding appointments to Council Provisional or otherwise be required to be expressed in such form as shall be at the same time a resignation of such appointment as well as of the Service generally.

(True Copy.)

R. N. C. HAMILTON,
Secy. to the Govt. N. W. P.

Fort William,

FINANCIAL DEPARTMENT,

The 17th August, 1842.

The following rule is published for general information as passed by the Honorable the President in Council, under the orders of the Honorable the Court of Directors

communicated in their Despatch No. 5 of 1842, in the Financial Department, dated the 9th February.

RULE.

When an Officer has been temporarily holding a Civil or Military staff appointment, in consequence of the absence of the fixed incumbent on sick leave, within the limits prescribed in the Absentee Rules of the 29th January, 1840, and the latter proceed to Europe, or otherwise vacate the appointment during absence, the locum-tenens shall not be entitled to any higher allowances by reason of such vacancy: and in the event of his being permanently appointed to the Office in which he has been officiating he shall receive the full Salary of that Office only from the date of his permanent appointment.

By Order of the Hon'ble the President in Council.

(Signed) G. A. BUSHBY,
Secy. to the Govt.

Re-published by Order of the Honourable the Lieutenant Governor, North Western Provinces.

R. N. C. HAMILTON,
Offg. Secy. to Govt. N. W. P.

FINANCIAL DEPARTMENT,

The 15th October, 1842.

The following rules this day passed by the Hon'ble the Lieutenant Governor, North Western Provinces, respecting the future preparation of the Annual Book of Civil Establishments are published for general information.

RULE.

The Hon'ble the Lieutenant Governor is pleased to resolve that the Civil Auditor of the North Western Provinces be required to furnish in future on or before the 1st of August of each year, a Book shewing exclusively salaries and establishments on the 1st of May arranged under proper heads, and that he shall within three months from that date, furnish as an appendix the further information now contained in the Annual Book of establishment, viz. the explanations of increase and decrease and the monthly average of contingent charges.

To enable the Civil Auditor to conform strictly to the above rule, the Hon'ble the Lieutenant Governor is further pleased to resolve that the audit of the salary of each office for the month of April, shall in future be made dependent on the receipt by the Civil Auditor of the detailed statement of salaries and establishments on the 1st May from such office, and that the Civil Auditor shall report for the orders of Government the name of any officer who may have failed to send in the above statement of his establishment by the 15th of June following.

By order of the Hon'ble the Lieutenant Governor of the North Western Provinces.

R. N. C. HAMILTON,
Secy. to Govt. N. W. P.

GENERAL DEPARTMENT,

The 23rd March, 1842.

The Honorable the Lieutenant-Governor directs that the following Notification be published for general information:

A Civil Servant attached to the North Western Provinces who has been admitted to a Furlough on Medical Certificate by the Government of Bengal, if proceeding to Europe viâ Bombay will on application be granted the necessary Certificate at Agra under the attestation of the Secretary to the Government, North Western Provinces, to enable him to draw his allowance at the India House. The Certificate so granted is to be delivered on arrival to the Auditor of accounts at the India House, in conformity with the orders of the Hon'ble Court.

A Copy of the Furlough regulations prescribed by the Honorable Court of Directors will be furnished to the applicant who must be careful to report to the Governments of Bengal and Agra the day on which he may Embark from Bombay, his Furlough allowance commencing from that date.

Medical Certificates to obtain a priority must distinctly specify that *"a visit to Europe is indispensably necessary."* No Furlough on Medical Certificate will be granted without this declaration being unequivocally made.

A Civil Servant attached to the Agra Division of the Presidency returning by Bombay will not be considered to have arrived within the Agra Presidency until he shall have reached the Civil limits of the Presidency of Fort William subject to the Authority of the Lieutenant-Governor.

By Order of the Hon'ble the Lieut-Governor of the North Western Provinces.

R. N. C. HAMILTON,
Secy. to the Govt. N. W. P.

NOTIFICATION.

EDUCATIONAL DEPARTMENT,

Fort William,

GENERAL DEPARTMENT,

The 10th January, 1842.

MEMORANDUM.

The Governor General in Council having been pleased to resolve that the Institutions founded and supported by the Government for the diffusion of education shall be brought more directly under the control of the Government itself, aided by a Council of Education composed of the present Members of the General Committee of Public Instruction, and such other Officers as may from time to time be joined with them, the Local Committees of the Colleges and Schools in the two divisions of the Bengal Presidency will in future address their Reports and References to the Secretary in the General Department of the Government of India.

The Governor General in Council has been pleased to appoint the Hon'ble Mr. W. W. Bird to be President of the Council of Education and of its several Sub-Committees.

These Sub-Committees are requested to continue in the discharge of their duties of Examination and Superintendence as at present, being now Sub-Committees of the Council of Education.

The General and Financial business of the Department of Education will be assumed by the Government; and the Council of Education be maintained for purposes of reference and advice upon all matters of important administration and correspondence retaining, under the directions of the Government, the Supervision now established over the Institutions at the Presidency.

A Deputy Secretary will be appointed to the General Department of the Government of India and Bengal, who will be ex-officio Secretary of the Council of Education and of its different Sub-Committees.

In the mean time Dr. Wise, the present Secretary, will be pleased to act under the orders of the Secretary in this Department, until all the measures for the transfer of business and the appointment of a Deputy can be matured.

By Order of the Right Hon'ble the Governor General of India in Council.

G. A. BUSHBY,
Secy to the Govt. of India.

With reference to the above orders, notice is hereby given, that the Secretaries to the Local Committees for the Educational Institutions of

In the North Western Provinces. Dehlee, Agra, Ajmere, Meerut, Furruckabad, Bareilly, Benares, Allahabad, Ghazeepore, Goruckpore, Azimghur, Saugor, Jubbulpore.

Behar.—Patna.

Bengal.—Dacca, Comillah, Chittagong, Jessore, Beauleah, Baugulpore.

Orissa.—Cuttack, Midnapore.

Assam.—Gohawatee, Seebsaugor.

Arracan.—Ramree, Khyouk Phyoo.

Tenasserim.—Moulmain, Tevoy.

Will submit all their references to, and receive all their orders direct from the Secretary to the Government of India in the General Department or his Deputy.

All persons connected in a subordinate capacity with any of these Institutions should forward their communications through the Secretary to the Local Committee of that Institution, and that Officer will submit it to the Government of India as above, with the opinion of the Local Committee.

H. V. BAYLEY,
Secretary.

COUNCIL OF EDUCATION.

SECTION FOR VERNACULAR CLASS BOOKS.

April 9th, 1842.

PRESENT.

HON'BLE W. W. BIRD, ESQ., *President.*
J. GRANT, ESQ. M. D.
H. V. BAYLEY, *Secretary and Member.*

Read Letter of the Secretary to Council of Education, dated 25th February 1842, on Vernacular Class Books.

(No. 187.)

To the Secretary to the Section of the Council for Vernacular Books.

I am directed to inform you in reply to your Report on the best means of supplying a set of Vernacular Class Books, that the Government of India concurs with the Council of Education in considering it to be a correct principle in the preparation of Vernacular School Books, to name or describe the works to be prepared, the price the Government is willing to give for each work, and then to offer such price for these works when delivered and approved of, either after a tender inviting a general competition, or on an arrangement with individuals known to be peculiarly qualified for the purpose.

2. The Government of India begs the early and most careful attention of the Council to the beneficial completion and propagation of all the details necessary to carry out the approved principle; and will be generally disposed to sanction from time to time such sums on account of the preparation and examination of these Vernacular Class Books, as the Council may recommend to be assigned for the same.

3. I am directed in furtherance of these instructions to request that the Section will lay before the next General Meeting of the Council of Education, a list of the several works they would recommend, should be commenced upon—by whom? and when to be completed? with such further suggestions as the Section may consider within its province.

H. V. BAYLEY,
Secretary.

COUNCIL OF EDUCATION.
The 25th February, 1842.

The Section, in consultation with the Revd. Dr. Yates and J. Marshman, Esq., who in consequence of their great experience on the subject had been requested to attend the meeting, then beg to record the following recommendations:

1stly. That the works to be rendered into the Vernacular Languages should be first prepared in English suited to the circumstances of this Country; as by this means the same works might be translated into the languages of the various Kingdoms and Provinces of India, and thus impart a character of uniformity to the whole Educational system.

2dly. That these works be collated from existing treatises, with the exception of the Spelling Book, Grammar, and Dictionary, (for reference,) and Vocabulary, (to be committed to memory in order to impress on the mind the meaning and derivation of the principal words.)

3dly. That the local Arithmetic, and Accounts of the province, should form one of the first subjects of study, and that this treatise be at once prepared, without being previously written in English.

4thly. That the first work to be prepared in English, and rendered into the Vernacular, should be a Reader of about 100 pages, conveying valuable instruction in the simplest language.

5thly. That then should follow:

The History of the Province or Kingdom in which the Seminary is located.

An Ethnological view of the Rise, Progress, and Fall of Kingdoms and Empires.

A Compendium of General Geography, with a few leading statistical facts.

A History of India.

History of England.

A description of the Wonders of Nature and Art in India.

6thly. That it is advisable that none of the works should exceed 250 duodecimo pages in the translation.

7thly. That it is also advisable that during the preparation of this series, existing works which may be approved of, be brought into use, and that this Section is prepared forthwith to submit a report of such works.

8thly. That in connection with the preparation of this series of works, the Section would suggest that it will be indispensably necessary in order to make them available that an efficient system of Vernacular instruction be laid down to be adopted in the existing Seminaries, and that a due proportion of time be allotted to these studies,

1. That if these recommendations be approved of, the Section will endeavour to secure the preparation of these works in the English, and in the Vernacular language, and submit further particulars as to the probable compilers, terms, and dates of completion.

Ordered, that a copy of the above be forwarded to the Council of Education.

By order of the President and Section.

H. V. BAYLEY,
Secretary

(No. 216.)

NOTIFICATION,

Fort William,

GENERAL DEPARTMENT,

The 9th September, 1842.

It having come to the knowledge of Government, that very erroneous impressions are entertained on the subject of pecuniary arrangements referrible to the resignation of appointments, the Hon'ble the President in Council, is pleased to give notice, that all such arrangements are prohibited, and that on proof of any appointment, Civil or Military, having been resigned under such circumstances, the nomination consequent on such resignation will be cancelled, and the parties concerned suspended the service in public orders pending the pleasure of the Hon'ble the Court of Directors.

By Order of the Hon'ble the President in Council.

(Signed) G. A. BUSHBY,
Secy. to Govt. of India.

Re-published for general information by order of the Hon'ble the Lieutenant Governor, North Western Provinces.

R. N. C. HAMILTON,
Secy. to Govt. N. W. P.

Fort William,

GENERAL DEPARTMENT,

The 28th September, 1842.

The Hon'ble the Deputy Governor of Bengal directs that the following Extract (Paras. 1 and 2) from a despatch from the Hon'ble the Court of Directors in the Pub-

lic Department, dated the 20th July, No. 15 of 1842, be published for the information of the Members of the Civil Service.

(Signed) G. A. BUSHBY,
Secy. to the Govt. of Bengal.

Extract from Letter, No. 15 *of* 1842, *from the Hon'ble the Court of Directors in the Public Department, dated the* 20*th July.*

Letter dated 13*th October*, 1841.
Referring to Court's decision the question whether Civil Servants after having been permitted to be absent in Europe, on private affairs, for a year or more, before a residence of ten years in India, is entitled to the full benefit of the furlough Regulations after his return to India, and the completion of ten year's residence.

Par. 1. It was not our intention when we framed the Regulations under which furloughs are granted to the Members of the Civil Service, that an individual permitted to come to Europe, under the circumstances supposed in this question, should be deprived of the benefit of a furlough when one might fall to him, after having completed the prescribed term of residence.

2. We consider, however, that the privilege should be allowed in such case under limitation: and we direct that, if the absence of a Civil Servant coming home on private affairs previously to the prescribed term of residence shall exceed one year, the excess of absence shall be deducted from the period during which the furlough allowance when it is granted to him, would otherwise be enjoined.

(True Extract.)

(Signed) G. A. BUSHBY,
Secy. to the Govt. of Bengal.

Re-published for the information of the Members of the Civil Service, North Western Provinces,

By Order of the Hon'ble the Lieutenant Governor, North Western Provinces.

R. N. C. HAMILTON,
Secy. to Govt. N. W. P.

GENERAL DEPARTMENT.

Simla, the 25*th October*, 1842.

The Governor General seeing the public detriment which must arise from covering the Acts of the Several Members of a Board, by the name of their Secretary whereby, in all cases of difference of opinion, the Several Members of a Board, composing the Majority avoid that individual responsibility for their Acts which is the only real security for the good conduct of Public Officers, directs that from the date of the reception of this order by the Several Boards in the three Presidencies, the Members of such Boards, shall in every case of difference of opinion amongst them, with respect to any Act signed by their Secretary, as the Act of the Board, transmit forthwith to the Government of the presidency, under which they may respectively serve and to the Governor General, if he shall be absent from Calcutta, a memorandum under their respec-

tive signatures showing the manner in which they respectively voted upon the case in regard to which such difference of opinion may have arisen.

By order of the Right Hon'ble the Governor General of India.

(Signed) T. H. MADDOCK,
Secretary to the Govt. of India,
With the Governor General.

(True copy.)

R. N. C. HAMILTON,
Secy. to Govt. N. W. P.

GENERAL DEPARTMENT,

CAMP TAHARA,

The 22nd December, 1842.

The Honorable the Lieutenant-Governor is pleased to direct the publication of the following Resolution, passed by the Government of India on the 16th ultimo, on the subject of Franking.

The 16th November, 1842.

RESOLUTION.

Adverting to the various religious, scientific, literary, and charitable Societies existing at the presidency, some of which have been allowed the indulgence, which has been refused to others, of sending their communications and circulating their proceedings, free of postage, under the frank of the Secretary in this Department; the Honorable the President in Council finds it difficult to prescribe any limit to this indulgence, founded on a clear distinction of the relative claims of these Societies to an exemption from the charge of Postage, on account of the benefits which they confer upon the community; and it is incumbent on the Government to require that the Post Office revenue (already inadequate to the charges of the department) be not burthened by a general concession of the indulgence.

The Post Office rules intended that the public frank of the Chief Secretary, or Secretary to Government in the General Department, should be granted only to such occasional letters, or parcels, or reports of proceedings, as Societies might be permitted to forward free of postage, or under any peculiar circumstances. His Honor in Council is now pleased to determine that in future no periodicals, pamphlets, printed papers, bills, or subscription accounts, of any Public Society shall be allowed ordinarily to pass free of charge, and that the public frank shall be confined to special cases, in which the Secretary may deem the indulgence to be fairly claimable on public grounds.

Letters, papers, and parcels from the Societies, to which the frank of the Secretary in the General Department has heretofore been granted, will be required hereafter, whenever an exemption from postage shall be solicited and obtained on special occasions, to come *open* to the Secretary of this department, in respect to the two first, viz. letters, and papers; and no dispatch will be franked which shall exceed the prescribed limit of weight for the letter dawk.

The Hon'ble the President in Council considers the employment of the Dawk Banghy for the transmission of Parcels and Packages free of cost, to the Societies at

the Presidency to whom this indulgence has been occasionally conceded, in respect to the Periodical Reports of their transactions, to be burthensome and expensive to the State; on which account it was withdrawn from the high officers to whom the power of franking private letters was continued by the Act and Regulation of 1837; and his Honor in Council accordingly resolves, that no Parcels or Packages from any Public Society shall be allowed, in future, to be forwarded free of Dawk Banghy-hire under a public frank.

The above rules will supersede all the previous orders of Government, under which correspondents of Public Societies have hitherto forwarded their letters and parcels, on the affairs of such Societies, under cover to the Secretary to Government in the General Department, free of Postage. They are not applicable to the established Funds of Public Servants specified in the Post Office Regulations, or to Letters and Parcels which any of the Public Societies are in the habit of sending, or may desire in future to send, to the Hon'ble the Court of Directors.

(Signed) G. A. BUSHBY,
Secy. to the Govt. of India.

True Copy.

R. N. C. HAMILTON,
Secy. to Govt. N. W. P.

NOTIFICATION.

BY THE RIGHT HON'BLE THE GOVR. GENERAL, N. W. P.

JUDICIAL AND REVENUE DEPARTMENT.

Camp Sagun, the 19th January, 1843.

The concentration at Agra, of the chief Public Offices connected with the administration of the North-Western Provinces, having been determined on by the Right Honourable the Governor General, notice is hereby given, that the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, N. W. P., and the Sudder Board of Revenue, N. W. P., will be permanently fixed at Agra.

The Courts of Sudder Dewanny Adawlut and Nizamut Adawlut will commence Sittings at Agra, after the close of the Dusserah Vacation—that is, on the 25th October next ensuing.

By Order of the Right Hon'ble the Governor General, N. W. Provinces,

R. N. C. HAMILTON,
Secy. to the Govt. N. W. P.

NOTIFICATION,

JUDICIAL AND REVENUE DEPARTMENTS,

Dehli, the 18th February, 1843.

1. The Nerbudda Sebundy corps is dissolved from the 30th of April next.

2. Such tomans of the Nerbudda Sebundy corps, as are now employed on duties connected with the Thuggee Department, will continue to be so employed under the Officers attached to that department.

3. Major Sleeman, Commissioner and Agent to the Governor General in the Saugor and Nerbudda territories, will bring to the notice of the Governor General, the cases of such men of the Nerbudda Sebundy corps, as have been distinguished by good conduct during long service, but have ceased to be efficient soldiers.

4. Major Sleeman will particularly specify such men as, although unfit for active service, may still be capable of performing stationary duties about a cutcherry, or at a thannah, or in any other appointment under the Government.

5. Captain Ludlow is temporarily attached as a Supernumerary to the Thuggee Department, for employment in the Saugor and Nerbudda territories.

6. Major Sleeman will form two battalions of Military Police for the Saugor and Nerbudda territories, and will draft into these battalions such men of the Nerbudda Sebundy corps, as may be thoroughly fit for active service and of good character.

7. Captain Macadam, 33d regiment native infantry, and Lieutenant J. D. P. Fergusson, 36th regiment native infantry, will command the 1st and 2nd battalions, respectively, and will draw for such command 200 rupees a month, in addition to their consolidated allowances as Deputy Commissioners of the 1st and 2d class.

8. The Military Police will perform all the duties heretofore performed by the Nerbudda Sebundy corps, and by the peons, chuprassies, burkundauzes and others attached to the Revenue and Judicial Department; and all existing establishments of

those departments will be gradually discharged, as Major Sleeman may consider the battalion of Police sufficiently formed to be able to undertake their several duties.

9. Each battalion will consist of twelve companies or tomans, and each of them will consist of—

1 Tomandar,	at 50	rs.	per	mensem.
1 Jemadar,..	„ 30	„		„
10 Havildars,.	„ 12	„		„
20 Naicks,..	„ 8	„		„
80 Sepoys,, .	„ 5	„		„

Two of the tomans will be considered a depôt toman, and will always remain at the head-quarters of the battalion.

10. Serjeant Major William Kelly and Quarter Master Serjeant John Michael Bruen, of the Sappers and Miners, (late serving with Broadfoot's Sappers, in Affghanistan,) are appointed Adjutants of the 1st and 2d battalions of Police in the Saugor territory.

11. Adjutant William Kelly and Adjutant J. M. Bruen are promoted, respectively, to the rank of Conductor and Sub-Conductor of Ordnance; and will be borne as Supernumeraries in the Ordnance Department, while they serve with the Police battalions, without prejudice to any claims they may acquire to future advancement; and with the right to the pension attached to the rank to which they are, or may be hereafter, respectively promoted.

12. The Officer in command of the Sappers and Miners will select from amongst the volunteers, who may offer themselves out of the native commissioned, non-commissioned officers and sepoys, who served in Broadfoot's Sappers and Miners,

2 Jemadars, for Tomandars,
2 Havildars, for Jemadars,
20 Sepoys, for Naicks,

13. The Officers in command of the
3d regiment Bengal native infantry,
11th ditto ditto,
13th ditto ditto,
24th ditto ditto,
50th ditto ditto,
67th ditto ditto,
42d regiment Madras native infantry,
43rd ditto ditto,
now serving in Bundelcund, or in the Saugor and Nerbudda territories, will select from amongst the volunteers, who may offer themselves from their respective regiments,

1 Jemadar, for Tomandar,
1 Havildar, for Jemadar,
10 Sepoys, for Naicks.

14. The Officers Commanding the
40th regiment Bengal native infantry,
26th ditto Bombay ditto,
will select, in the same manner, 5 Sepoys, for Naicks, from the detachments of their regiments now employed in the Bundelcund and Nerbudda territories, respectively.

15. The Officer commanding the Bhopaul Contingent will permit Lieut. Fergusson to select from among such volunteers, as may offer themselves from that corps,

1 Jemadar, for Tomandar,
1 Havildar, for Jemadar,
10 Sepoys, for Naicks,
to serve in the 2nd battalion of Police, to be commanded by that Officer.

16. The Officers commanding the
2nd regiment native infantry,
16th ditto ditto,
42nd ditto ditto,
35th ditto ditto,
33rd ditto ditto, of Kelat-i-Ghilzie,
15th regiment native infantry,
73rd ditto ditto,
will, in like manner, select
1 Jemadar, for Tomandar,
1 Havildar, for Jemàdar,
10 Sepoys, for Naicks.

17. The several native commissioned officers and sepoys, who may so take service in the Police battalions, will be borne on the roll of their respective corps as supernumeraries, and will retain whatever claims to pension they would have had, had they remained with their present corps.

18. The commissioned and non-commissioned officers and sepoys, who may be transferred to the Police battalions from the regiments now in the camp at Delhi, will proceed to Saugor, under the command of Adjutants Kelly and Bruen.

19. His Excellency the Commander-in-Chief is requested to nominate a Serjeant Major and a Quarter Master Serjeant to each battalion of Police.

20. The Police battalions will be armed with rifles, and the Military Board are directed to transmit to Allahabad the requisite number of arms of that description.

R. N. C. HAMILTON,
Secy. to Govt. N. W. P.

NOTIFICATION.

EXTRACT *from a Resolution passed by the Honourable the president in Council in the Financial Department, under date the* 11*th January,* 1843, *on Court's Letter, No.* 21, *of* 1842, *dated the* 12*th October, replying to Paragraphs* 1 *to* 50, *of a Letter from this Department, of the* 28*th July,* 1841, *No.* 17.

Paras. 6 and 7.—Ordered that the Construction published in the Resolution of the 14th April, 1841, respecting Section 3, of the Absentee Regulations, dated the 29th January 1840, be cancelled; and it be notified that the Hon'ble Court of Directors have directed, that in all future cases the rule, that no leave of absence shall have any retrospective effect except in cases of severe illness, be held to be applicable to all unauthorised absence, whether antecedent to the grant of leave, or subsequent to its termination.

[*True Extract.*]

H. V. BAYLEY,
Depy. Secy. to the Govt of India.

Published by order of the Right Hon'ble the Govr. Genl., for the N. W. Provinces.

R. N. C. HAMILTON,
Secy. to the Govt. N. W. P.

NOTIFICATION.

REVENUE DEPARTMENT.

5th April 1843.

The Right Hon'ble the Governor General, in the N. W. Provinces, has been pleased to invest the Judges of Delhee, Moradabad, Rohilcund Additional, Bareilly, Agra, Furruckabad, Mynpoorie, Cawnpore, Futtehpore, Bundlecund, Allahabad, Goruckpore, Azimgurh, Jaunpore, Mirzapore, Benares and Ghazeepore with the powers of Special Commissioner under Regulation III. of 1828, in their respective jurisdictions.

Fort William,

FINANCIAL DEPARTMENT.

The 17th May, 1843.

The Hon'ble the President in Council, with the concurrence of the Right Hon'ble the Governor General, has revised the Rules published on 29th January, 1840, for the grant of Leave of Absence, and for regulating Deductions from Salaries and Deputation Allowances. The following Rules will have effect from this date for regulating Deputation allowances, and the terms on which Leave of Absence will be given to places situated within the limits of the respective Presidencies, to which the applicants are attached.

Sec. VI. (Amended.) Civil Servants absent from their Stations under Medical Certificate, within the limits of their respective Presidencies, shall be entitled to the Salaries of their Offices for the period of two years, subject to a deduction of ⅓rd for the whole term of such absence, save and excepted that for the first year; if the Salary be not more than 500 Rupees per mensem, no deduction shall be made; and if it be only so much more than 500 Rupees that the prescribed deduction of ⅓rd would reduce the allowance below that sum, only the excess beyond Rupees 500 shall be deducted; but for the second year, the full deduction shall be in force. An absent Servant, whether Civil or Military, shall in no case retain any Civil Office or employment, nor be permitted to draw any portion of official Salary for a longer period than two years; but a Civil Servant, who may, on account of sickness duly certified, obtain an extension of leave beyond two years shall, if his period of actual residence be less than, 12 years, be allowed to draw the second rate of subsistence allowance; and if the period of such actual residence be 12 years, the highest rate of subsistence allowance; but if he continue absent in disobedience of an order to return, or without sufficient cause shewn, that allowance also shall be forfeited. The period of absence shall be computed from the date of his quitting his station to the date of his return thereto.

Sec. XI. (Amended.) The Government of each Presidency may grant to Civil or Military Servants holding Civil appointments leave of absence for one month in each year without deduction from the Salaries and Emoluments drawn by such Servants. Such leave however will only be granted when the Government is satisfied that no inconvenience or expense will arise from the departure of the Officer seeking it. No second leave can be granted under this rule, until the completion of eleven months from the expiration of the last leave.

Sec. XII. (Amended.) The Government of each Presidency may, on sufficient cause being shewn, grant to a Civil or Military Officer holding a Civil Office special leave of absence on private affairs. Provided, however, that if any Officer to whom such

leave shall be granted shall be absent from his Station for any period exceeding that to which under the last rule he may be entitled without deduction, the Absentee if a Civil Servant shall for the period in excess draw no more than one-half of his Salary and Allowances, and if a Military Officer only so much of the Salary and Allowances of any Civil Office to which he may stand appointed as added to the Military Pay and Allowances which he may be entitled to draw shall equal one-half of his entire Military and Civil emoluments. After an absence of three months (exclusive of any period which may be granted under Sec. XI.) any Office held by the Absentee shall become vacant.

Sec. XIII. is rescinded.

Sec. XVIII. (Amended.) The sum of Company's Rupees 52,200 per annum, having been fixed under the orders of the Court of Directors as the Maximum Salary of Civil Office for the Offices of Government under the situation of Member of Council—Civil and Military Servants holding Office in the Political Department, who may draw larger Allowances than this annual sum as a consolidated personal and sumptuary allowance in consideration of the necessary expenses of their position, will in all cases of absence be treated in respect to deductions as drawing only the Allowance thus limited, and the excess above the monthly salary yielded by that annual sum shall remain as a local addition to the usual Deputation Allowance to be drawn by the Officer performing the duties to meet the necessary expenses of his position.

Note. This rule will equally apply in case of a Political Resident taking a leave of one month, for which in other cases he would suffer no deduction.—The excess above the maximum monthly salary will in that case be enjoyed by the person in charge.

Section XIX. (Amended.) Deputation Allowances shall be granted to Civil Servants temporarily performing the duties of an office according to the following rates, and subject to the limitations and conditions hereinafter laid down.

Note.—Military persons acting for other Military persons holding Civil Office, will, as in the case of Staff, draw half the difference between the incumbent's Military Allowances and the consolidated Civil Salary as at present, that is, will draw the amount retrenched from the Absentee; but when acting for a Civil Servant they will draw at the rates and under the same rules as Civil Servants.

To Civil Servants not holding any substantive Appointment.

At the rate of 25 per Cent. on the monthly Salary of the appointment officiated in, such Deputation Allowance being in addition to the Subsistence Allowance of their respective ranks.

To Civil Servants holding an Office of inferior emolument when Officiating for a Superior.

At the rate of 10 per Cent. upon the monthly Salary of the appointment officiated in, in all cases in which the Salary of such appointment shall not exceed Co.'s Rs. 2,000 per mensem; and in respect to all appointments of which the Salary shall be more than Co.'s Rs. 2,000 per mensem, at the rate of 10 per Cent, upon Co.'s Rs. 2,000 and of 5 per Cent. on the amount in which the monthly Salary may exceed Co.'s Rs. 2,000: provided however that no lower rate of Deputation Allowance shall be given than 100 Rs. per mensem.

The Deputation Allowance shall in all cases be in addition to the Salary of the substantive appointment held by the Officer on deputation. A Civil Servant acting for another shall have no claim to Commission or Fees, where any such sources of emolument exist. These shall be regarded as forming part of the income of the Officer to be relieved, subject to the prescribed deductions.

Sec. XXI. (Amended.) No Subordinate Officer acting for his Principal or for any other person holding a superior appointment in the same Office or Establishment,

at the same Station, shall be entitled to any Deputation Allowance until after the expiration of one month, and then the Allowance is not to be drawn in arrear. But a Servant previously out of employment, or who may be deputed to act from a different Station, shall be entitled to Deputation Allowance from the date at which he may enter upon the discharge of the duties to which he has been temporarily appointed.

Sec. XXII. (Amended.) Civil Servants, if deputed to act at a distance from the stations where they are employed, or Military Officers holding Civil Office who may be so deputed, or who may be ordered by Government on Special duty, shall be permitted to draw travelling allowances at the rate sanctioned in the case of a first appointment.

Sec. XXIV. (Amended.) The Government of each Presidency may grant to Chaplains and Assistant Chaplains Special leave of absence on private affairs, but if such absence shall exceed the period to which the absentees may be entitled under the following rule, they shall for the period in excess be subjected to the deduction of one half their allowances, and after an absence of four months all allowances shall be discontinued.

Sec. XXV. (Amended.) Leave of absence for one month in each year, under the principle sanctioned in Sec. XI. may be granted to Chaplains or Assistant Chaplains by the Bishop of the Diocese, or when the Diocese may be vacant (but not otherwise) by the Archdeacon or other Ecclesiastical functionary performing the duties of an Archdeacon or Commissary: and such leave being consistent with the rule will be recognised by the Civil Auditor after it has been published in the *Government Gazette* of the Presidency with the authority of Government. Information of every leave so granted by the Bishop or other Ecclesiastical Officer above mentioned, shall be immediately transmitted to the proper Secretary to Government for the purpose of notification in the *Gazette*.

Sec. XXVII. is rescinded.

Sec. XXVIII. (Amended.) The Mint Master, the Assay Master and Deputy or Assistant Assay Master of any Mint in India may obtain leave of absence under Sick Certificate, or on private affairs, subject to the conditions in the Rules forming Chapters I. to V. The Absentee if in the enjoyment of any Military pay or allowance shall, during his absence, be subject to the deductions prescribed in the case of Military Officers, holding Civil employments. If not a Military Officer, the absentee shall be subject to the same deductions as a Civil Servant under similar circumstances, but no Officer of the Mint or Assay Department can be permitted to draw any portion of Salary for a longer period than two years, if absent under Sick Certificate, nor for a longer period than four months if absent on private affairs.

The Rules published on the 29th of January, 1840, not affected by the above alterations remain in force.

Published by order of the Hon'ble the President of the Council of India in Council.

J. DORIN,
Secy. to the Govt. of India.

Re-published by order of the Right Hon'ble the Governor Genl., N. W. Provinces.

R. N. C. HAMILTON,
Secy. to Govt. N. W. P.

Fort William,

SEPARATE DEPARTMENT,

The 26th April, 1843.

The Hon'ble the Deputy Governor of Bengal, in concurrence with the Hon'ble the President in Council, is pleased to resolve that the following Rule be adopted in modification of Clauses 4 and 5, of the "Rules regarding the Superintendence of Stamp Revenue and the powers of the Board and Revenue Commissioners" prescribed in the Resolution of the Government, dated the 4th August, 1829.

RULE.

The authority vested in Commissioners of Revenue by the 4th and 5th Clauses of the "Rules regarding the Superintendence of the Stamp Revenue and the powers of the Board and Revenue Commissioners," prescribed in the Resolution of the Government, dated the 4th August, 1829, is hereby transferred to the Superintendent of Stamps, to which Officer references by Collectors or other Functionaries in charge of this branch of the Revenue, regarding the affixing of Stamps to unstamped or inadequately stamped documents, shall be made. Collectors or other Functionaries aforesaid, on the presentation of such documents to be stamped, are required to levy the penalty to which they consider them liable, in addition to the value of the stamp, or the difference of value when the document bears a stamp of inadequate amount. The documents are then to be transmitted to the Superintendent of Stamps, who, if he concurs in the award of the Collector or other Officer by whom the documents have been transmitted, will cause them to be properly stamped and returned immediately to that Officer. If the Superintendent shall see cause to differ from the Collector in opinion in regard to the amount of the stamp to be charged or the penalty to be awarded, he shall without delay refer the proceeding of the Collector, and the reasons for his difference of opinion with that Officer, to the Board of Customs, Salt and Opium, whose decision shall be final.

In cases which come by this Rule under the cognizance of the Board of Customs, Salt and Opium, where the decision of the Collector shall be modified or reversed by that authority, the Collector will refund any surcharge or levy any additional penalty, according to the award recorded by the Board. The Board shall nevertheless continue in the exercise of the power with which it is vested by Clause 5 of the Rules that are hereby modified, to remit penalties in excess of the Government duty whenever, under the circumstances established before that authority, a party subjected to a penalty shall appear to be a fit object for the mitigation thereof.

By order of the Hon'ble the Deputy Governor of Bengal.

T. R. DAVIDSON,

Offg. Secy. to the Govt of Bengal.

NOTIFICATION.

REVENUE DEPARTMENT,

Agra, the 9th June, 1843.

The Right Hon'ble the Governor General in the North Western Provinces has been pleased to invest the Judges of Meerut, Seharunpore and Allygurh with the pow-

ers of Special Commissioner under Regulation III. of 1828, in their respective jurisdictions.

R. N. C. HAMILTON,
Secy. to the Govt. N. W. P.

NOTIFICATION.

JUDICIAL AND REVENUE DEPARTMENT.

The 14th August, 1843.

All authorities on whom the duty devolves of submitting bills on account of expenses incurred for Judicial or Revenue charges for the sanction of Government, are hereby directed to submit such bills addressed to the Financial Department, North Western Provinces; when passed, the bills will be forwarded direct to the office of the Civil Auditor.

NOTIFICATION.

JUDICIAL AND REVENUE DEPARTMENT.

The 15th August, 1843.

The Lieutenant Governor having had under his notice the subject of Officers in situations of important Civil employ in the North Western Provinces being engaged in the management of private farms within these provinces, either personally or through agents, and being satisfied that such occupations necessarily involve a greater sacrifice of their time than they can, consistently with their public duty, spare from the attention they are bound to bestow on the interests of the East India Company intrusted to their charge, considers it expedient to notify, that no Covenanted Servant in the North Western Provinces can in future be permitted to engage in any such transactions within the limits of these Provinces.

The Lieutenant Governor has required a register to be prepared of Covenanted Servants who are already so engaged, with a statement of the extent of farms held by them, either exclusively or in joint tenancy, with the circumstances under which they may have become connected therewith.

It is not the desire of Government that parties, who, in the belief that these proceedings had the sanction of Government, have embarked in such speculations, should be required abruptly to close any engagements into which they may have entered; but adverting to the sentiments expressed by the Hon'ble the Court of Directors in a despatch on the subject of grants, Officers in Civil employ are recommended by the Lieutenant Governor to dispose of their interests in such concerns whenever an opportunity for their conveniently so doing may offer, and to withdraw entirely from such occupation for the future.

By order of the Hon'ble the Lieutenant Governor, N. W. Provinces.

R. N. C. HAMILTON,
Secy. to Govt. N. W. P.

NOTIFICATION.

FINANCIAL DEPARTMENT.

The 19th September, 1843.

Rule regarding travelling allowance to Amlahs.

With the view to introduce an uniform rate of travelling allowance to all Amlahs, Native or Christian, attached to the Local Offices subject to the Government of the N. W. Provinces in the Revenue, Judicial and Political branches, the Honourable the Lieutenant Governor is pleased to fix all travelling allowances, prospectively, at the rate of three-tenths of the Salary of each incumbent. The Civil Auditor will accordingly enforce the observance of this rule, from and after the 1st October, proximo; present incumbents being permitted to continue in the enjoyment of any higher rate of allowance which they may have hitherto drawn.

JUDICIAL AND REVENUE DEPARTMENT.

The 25th September, 1843.

The Hon'ble the Lieutenant Governor is pleased to place the settlement of Mussoorie under the Provisions of Act X. of 1842, and to authorize the Gentlemen noted in the margin* to constitute themselves a Committee as provided in Section II. of the said enactment.

* A. Macgregor, Esquire.
Major Swetenham.
Captain Hatton.
Mr. Healy.
Mr. E. A. Pittis.

The annexed code of Bye Laws approved by the Lieutenant Governor North Western Provinces, is published for general information.

By order of the Hon'ble the Lieutenant Governor North Western Provinces.

R. N. C. HAMILTON,
Secy. to the Govt. N. W. P.

BYE-LAWS.

I. A rate not exceeding five per cent per annum on the anual rents of all houses in Mussoorie and its vicinity, payable in advance on the 1st October commencing 1840, shall be levied for 1841, and for future years, for the purpose of repairing, widening, fencing and improving the roads of the settlement, and for other purposes hereinafter specified; and the fund thereby raised, shall be under the management of a Committee, to be denominated the Committee of Roads, and Bye-Laws of Mussoorie and its vicinity.

II. The Committee to be composed of not less than five, or more then seven, Members with a Secretary, being Registered Proprietors of houses. The Committee is empowered to nominate a Chairman and Treasurer from amongst their own number, and appoint their Secretary, such Secretary being a Registered House Proprietor and *not* a Member of the Committee. A majority of the committee shall form a quorum, and when the suffrages are equal, the Chairman shall have a casting vote.

III. The Committee to be chosen by the votes of Registered proprietors of Houses on the last Saturday in the month of May every year, at a meeting to be held at Mussoorie, and to be called by the Secretary of the Committee six weeks before, by

advertisement in the Mofussil papers, for that purpose, and for the purpose of recording reports of past proceedings, passing accounts, and considering the measures most necessary to be undertaken by the new Committee.

IV. Any vacancy occurring in the Committee between the Annual General Meeting which reduces the number below five, to be filled up by the votes of the remaining Members of the Committee.

V. Should the Committee consider it necessary to lay any matter before the Proprietors, or should any four Registered Proprietors request a meeting, the meeting to be called by the Secretary, by letter sent to all the Resident Proprietors informing them of the object thereof.

VI. A Registered Proprietor is entitled to vote by proxy, but no voter to have at any meeting, in virtue of general proxy, the command of more than four votes, including his own.

VII. The proprietor of a house being registered paying the rate on rupees 400 to have one vote at all Meetings, and of a house or houses paying the rate on rupees 2,000 to have two votes, and on rupees 8,000 or more three votes.

VIII. All houses from the gorge above Rajpoor to Budraj inclusive, all houses on either side of the main roads in that direction, to be considered as in Mussoorie and its vicinity, and consequently liable to pay the rate; the neck of land generally known as the grand parade, and dividing Mussoorie from Landour, to be considered as the boundary to the north-east.

IX. The Committee to have the power of assessing houses, and should any Proprietor consider himself over-assessed, the subject to be referred, either personally or by letter, to the next General Meeting of Proprietors, whose decision shall be final; and an Agent or tenant shall be empowered, on application from the Committee, to deduct from the rent due to a Proprietor any sum remaining due on account of the rate: and, upon the application of the Committee, through the Secretary, to any Magistrate or Justice of the Peace, such Magistrate, or Justice, shall be authorized to exercise the same power for levying the rate, which may be due from any defaulter, as are specified in Act II. of 1839, inasmuch as that Act relates to the levy of such sum by distress, sale of the goods and chattels belonging to the person from whom the rate is due.

X. No Registered Proprietor to be allowed to vote at any Meeting, unless the rate at which his property has been assessed for the year has been paid.

XI. No Proprietor to be entitled to vote at any Meeting in virtue of a purchase, until after registry of his purchase.

XII. A Register of estates and assessment shall be kept at the Superintendent's Office; and the Secretary to the Committee of Registered Proprietors, shall be bound to cause this Register to be duly corrected on every change of Proprietorship being intimated to him, and on every alteration of assessment made by the Committee. This Register to be considered the authentic Register of Proprietors entitled to vote in person or by proxy, and the assessment entered in this Register to be the assessment to be collected.

XIII. A duplicate Register to be kept by the Secretary to the Committee at Mussoorie, and notices of change to be made to the Secretary at Mussoorie. A fee of one rupee to be charged on Registry, and a further fee of one rupee for a copy or certificate of Registry.

XIV. The Committee to be empowered to levy a fine not exceeding 20 rupees on any person or persons, proved to them, as having bathed, or committed nuisance in or near any streams from which water is drawn for the community, or having destroyed, or in any way injured, any road, under their charge, by the throwing down stones, or rubbish, or in any other manner. The fine to be recovered as in Bye Law IX.

XV. In cases where it is required to throw rubbish in the road, for temporary purposes, such as clearing sites for building upon, permission to be obtained from the Committee, whose duty it will be, in granting such permission, to take care that the party is bound down to repair any injury that the road may sustain, and also to prevent the public being inconvenienced.

XVI. Should the funds at any time, at the disposal of the Commitee, admit of the outlay, the Committee are authorized to cut roads to all the frequented springs, and to have tanks and reservoirs dug at different parts of the settlement, where water is most required.

XVII. No sums of money to be paid out, or expended by the Treasurer, without the sanction of the Committee.

XVIII. All fines levied by the Committee, in consequence of the infringement of any of the above Bye-Laws, to be made over to the Committee for the repairs of the roads.

(True copy.)

R. N. C. HAMILTON,
Secy. to Govt. N. W. P.

CIRCULAR ORDERS

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES.

(No. 1324.)

To the several Zillah and City Judges, in the North Western Provinces.

Under the authority of Government I am directed by the Court to bring to your notice, with a view to its correction, the following error, pointed out by the Judge of Meerut, in the Persian Translation of a portion of Article 7, Schedule A, Regulation X. of 1829, as indicated in the subjoined extract in English and Persian, and, as the result of the mistranslation is stated by Mr. Glyn to have been prejudicial in practice, by misleading many persons, and inducing them to procure for bonds, &c. stamps of higher value than are authorized by the English Regulation, the Court request that you will carefully rectify the error in your own Office, and make the necessary communication to the subordinate Courts and the public.

M. SMITH,
Offg. Register.

Allahabad, 10*th July,* 1840.

Extract from Article 7, Schedule A, Regulation X. of 1829.	انتخاب ضمن ۷ فهرست اول قانون ۱۰ سنه ۱۸۲۹ع
Ditto, 500 Rupees and not exceeding, Rupees, 1,000 ..... Rs. 6	و در زاید از پنج صدتا یکهزار ۶ روپیه .....
Nothing to correspond.....	..... غلط • میان آنها قیمت کاغذش ۸ روپیه •
Ditto, 1,000 Rs.—Ditto, Rupees, 2,000. ..... Rs. 10	و در زاید از یکهزار تا دو هزار ۱۰ روپیه .....

M. SMITH,
Offg. Register.

(No. 1357.)

To the several Zillah and City Judges, in the North-Western Provinces.

I am directed to request that you will report, with as little delay as practicable, whether it has been the practice in your district to admit the re-institution of cases which have been dismissed on default, under Section 10, Regulation IV. as of 1793, and corresponding enactments,* or whether such cases have been generally considered as finally disposed of, and not subject to revival by a new suit.

* Section 2, Regulation VIII. 1795, Section 12, Regulation III. 1803.

2nd. Your reply should convey to the Court the result of your own experience in the matter, and of the information to be obtained from the Native Judges of your District, in regard to the practice which obtains in their Courts.

M. SMITH,
Offg. Register.

Allahabad, 12th July, 1840.

(No. 1465.)

To the several Zillah and City Judges in the North-Western Provinces, and to the Commissioner of Kumaon.

The Court having had under consideration the returns to their Circular, No. 16, dated 3rd January last, on the subject of the rate of remuneration paid to persons copying papers in the Judge's Courts, find that considerable diversity prevails in respect to the rate and mode of calculating it in different districts, the average standard of payment appearing, however, obviously too high, and calculated to operate as a grievous tax on individuals seeking transcripts of papers to which they may not be entitled free of charge.

2nd.—In considering the best means of fixing the amount so that, on the one hand, it shall not press too heavily on the party requiring the copy, and yet, on the other, be sufficiently high to ensure to the copyist, the means of earning an honest livelihood, and remove the temptation, which an inadequate amount would cause, of resorting to dishonest courses, to make up the deficiency; the Court are of opinion that a rule, establishing the rate of payment, according to the number of words written, is likely to be more certain, uniform and equitable, than any of the other modes of computation by sheets, pages, or line; which must be ever open to objections of uncertainty and fluctuation caused by the many varieties of writing, and by the facilities thus afforded for unfairness and abuse should the disposition thereto exist.

3rd.—The Court are accordingly pleased to resolve that, henceforward, the authorized rate of remuneration to copyists of papers in your Court, to which parties are not entitled free of charge, shall be a Rupee for 4,000 words correctly written in a clear and legible hand, figures counting as words; which is the same as the rate recently sanctioned by Government, for paying temporary Mohurrirs employed to copy the proceedings of cases appealed direct to the Sudder Dewanny Adawlut from the Principal Sudder Ameen's Court.

4th.—Proper steps should be taken by you to give publicity to this rule, and due precautions used to maintain its correct observance, and prevent its abuse in the establishment under your charge.

M. SMITH,
Offg. Register.

Allahabad, 31st July, 1840.

(No. 1581.)

To the several Zillah and City Judges, in the North Western Provinces.

It being desirable, that in cases tried by Principal Sudder Ameens, under Section 1, 5, and 7 of Act No. XXV. 1837, the decree or final order should exhibit in a prominent and uniform manner, information regarding the amount of the suit, the Court are pleased to prescribe the adoption in future by Officers of that grade of the forms of decree and final order, (applicable to regular and miscellaneous cases respectively,) sent herewith—and you are requested to communicate the necessary instructions on this point to the Principal Sudder Ameen of your district.

M. SMITH,
Offg. Register.

Allahabad, 31*st July,* 1840.

سنه ۱۸۳۴ عیسوي

متفرقه ابتداء

العبـــــــــد

پچوري مکندسنگهه

صدر امین اعلی

اسٹامپ

اجراے ڈگري صدر امین

تعداد ڈگري ۹۹۹ روپے

نقلمطابق اصل

العبـــــــــد

بنسي دهر محافظ

دفتر عدالت دیواني

ضلع آگرہ

سنه ۱۸۳۳ عیسوي
مهر عدالت صدرامین اعلی ضلع آگرہ

मोहर अदालत सदर अमीन आला
ज़िले आगरा सन् १८३१

حکم

روبکاري عدالت دیواني کچهري صدرامین اعلی ضلع آگرہ کي پچوري مکند سنگهه صدرامین اعلی کے اجلاس میں تاریخ تیئیسویں مئي سنه ۱۸۳۴ ع ٥

دعوي ایکقطعه باغ واقع قصبه بندرابن کا مع اسکي متعلق زمین کے

بنام رام لعل مدعی علیه کے دعوي عذرداري لما

نت کشور ٹھاکر گوپي ناتھ جيو کے مندر کا سربراہ کار — سايل

رادھکا داس اور رتنداس اور چين داس مدعي رهنےوالے بندرابن کے — طرفثانيان

اس مقدمے ميں عذردارنے عذرداري کا سوال اس مضمون سے گذرانا کہ کوئي جايداد مدعيٰ عليہ کي بندرابن ميں نہيں هي اور املاک اور اراضي باغ کي ٹھاکر گوپي ناتھ جي کے مندر کے متعلق هي اور آمدني اُسکي هميشہ سے اُسي مندر کے خرچ رهتي آئي هي آخر تک ٭

اگر ڈگري صدرديواني يا صاحب جج يا صدرامين اعليٰ يا منصف کي هو
تو چاهيئے کہ بعد لفظ اجراے ڈگري کے لفظ صدرديواني يا صاحب جج خواہ
صدرامين اعليٰ يا منصف جس حاکم کي هو لکهي جاوے
سنہ ۱۸۳۵ عيسوي

نمبري ابتداء
العبد
محمدصدرالدين خان
صدرامين اعليٰ

نمبر ۱۵۴
صيغہ منصفي ۲۵۵ روپئے

اسٹامپ

ضلع دهلي

سنہ ۱۸۳۳ عيسوي
مہر عدالت صدرامين اعليٰ ضلع دهلي
मोहर अदालत सदर अमीन आला
ज़िले देहली सन् १८३३ ईसवी

نقلمطابق اصل
العبد
فيض الله سرشتہدار

فيصلہ

ڈگري عدالت ديواني کچہري صدرامين اعليٰ ضلع دهلي مولوي محمد صدرالدين خان صدرامين اعليٰ کے اجلاس ميں تاريخ ۲۱ جون سنہ ۱۸۳۸ع مطابق ۱۶ اساڑہ سنہ ۱۲۴۵ فصلي کے روز جمعہ ٭

دعوي دوسوپچپن روپئے کا بموجب دستاويز مالضامني مورخہ ۱۶
اکتوبر سنہ ۱۸۳۳ ع مطابق ۱۲ جمادي الثاني سنہ ۱۲۴۹ هجري کے

راے صاحب رام شاہ اودہ کي املاک کا مختار مدعي — محمد عبدالله وکيل

پنڈت نراين داس وغيرہ مدعيٰ عليہ — پنڈت هيرالعل وکيل

مقدمہ يہہ هي کہ سنہ ۱۸۳۵ ع ميں جون کي ۳۰ کو مدعي نے اُسي دعوي سے جو اوپر لکها گيا هي

صرف ماالضامن کے نام بے شمول مستاجروں کے عدالت میں عرضي گذراني اسکے بیان کا خلاصہ یہہ هی
که رادهاکشن اور پرگاس داس موضع کرکري متعلقهول سرکار شاہ اودہ کے ٹھیکہداروں نے آخر تک •
اگر تعداد دعوي هزار روپئے سے زیادہ تو العبد کے صحاذي میں صرف
تعداد دعوي اور اگر تین سو روپئے سے اوپرهو اور هزار روپئے سے
زیادہ نهو تو لفظ صیغہ صدرامیني اور تعداد دعوي لکها جاوے •

(No. 1622.)

To the Commissioners of Circuit, Civil and Sessions Judges, Magistrates, and independent Joint Magistrates in the North-Western Provinces, and to the Commissioners of Saugor and Kumaon, and their Assistants, and to the Political Agent of Sabathoo.

I am directed by the Court to transmit to you, for your information, an Extract from a despatch from the Honourable the Court of Directors, relative to the imposition of heavy fines upon Native Servants of Government drawing small allowances.

M. SMITH.
Offg. Register.

Allahabad, 7th August, 1840, *issued* 28*th August,* 1840.

Extract from a despatch from the Honourable the Court of Directors, under date the 11*th February,* 1840.

"We have on former occasions expressed our strong objection to the imposition of heavy fines upon Native Servants, as involving them in pecuniary difficulty, and inducing them to resort to improper practices for the purposes of indemnification. It appears to us that the preferable course is, when an Officer refuses to do that which his official duty requires of him, to transfer at once the office to a more obedient holder."

(True Extract)

M. SMITH,
Offg. Register.

(No. 1672.)

To the several Zillah and City Judges, in the North-Western Provinces.

I am directed by the Court to request that you will invariably insert, in all Decrees passed by you in appeal, the date on which the suit was referred to the Subordinate Court for investigation and trial.

2.—You will further be pleased to require the Uncovenanted Judges, to insert the same information in their original decisions in such suits.

M. SMITH,
Offg. Register.

The 14*th August* 1840, *issued* 4*th Sept.,* 1840.

(No. 1676.)

To the several Zillah and City Judges, in the North-Western Provinces.

The Court have observed, that it is the practice of some of the lower Courts, in passing decisions in suits remanded to them for retrial, to confine themselves to a repetition of their former order alone, with the addition of a simple reference to the grounds and reasons which have been set forth in the record of original decision, but without a recapitulation of those reasons.

2.—This practice being, however, irregular as apparently contravening the rule laid down in Clause 7, Section 2, Regulation IX. of 1831, and inconvenient, as causing an imperfect record, and involving the necessity of a further return of the case for completion, the Court are pleased to prohibit its continuance, and to direct that, in adjudicating remanded suits, the Courts, whether they adhere to their original opinion or otherwise, invariably record at length the reasons on which their decision is founded, in the same manner as if they were passing a first order on the case.

3.—You are requested to give the necessary instructions on this point to the several subordinate Courts of your district.

M. SMITH,
Offg. Register.

Allahabad, 28th August, 1840.

(No. 1634.)

To the several Zillah and City Judges, in the North-Western Provinces.

To remove doubts, which are believed to exist, I am desired by the Court to intimate to you, with the sanction of the Government, that in cases in which more than one stamp is required for engrossing petitions of plaint or appeal, or petitions presented by persons desirous of appealing as paupers, under the provisions of Clause 1, Section 12, Regulation XXVIII. 1814, it is optional to parties to file several stamps, the aggregate value of which will be equal to the amount prescribed by law, or one stamp of the full value, with as much plain paper attached thereto as may be required.

2.—The rule regarding additional sheets required for pleadings is contained in the construction, No. 870.

M. SMITH,
Offg. Register.

Allahabad, 28th August, 1840.

(No. 1701.)

To the several Zillah and City Judges, in the North-Western Provinces and to the Commissioner of Kumaoon.

With the sanction of Government, I am directed by the Court to communicate to you the following rule of practice for adoption in cases decided by your own or the subordinate Courts, wherein Government is a party.

2.—On any case of this nature being finally decided the presiding Judge will add to his order a note, as in the margin, specifying the amount due to the Government pleader, to afford that Officer the means of recovering his fees from the Government direct, through the Revenue Board or other authority who may have preferred or defended the suit.

جو کہ اس مقدمے میں روپیہ سرکار بہادر سے وکیل سرکار بہادر کا پاونا ہی اسواسطے حکم ہوا کہ اس بات کي اطلاع وکیل سرکار کو دي جاوے تاکہ وہ اپنے محنتانے کا روپیا جس سرشتے سے مناسب ہو وصول کرلیوے *

3.—You are requested to give the necessary instructions on this point to such of the Courts of your District as it may concern.

M. SMITH,
Offg. Register.

Allahabad, 4th September, 1840.

(No. 1702.)

To the several Zillah and City Judges, in the North-Western Provinces.

With reference to a question, recently brought before the Court, touching a construction of Clause 4, Section 4, Regulation VII, of 1825, in respect to the power of a Collector to postpone a sale under the circumstances contemplated by that Clause, I am directed to acquaint you that it has been ruled by the Court that no power is thereby vested in a Collector of postponing the sale, without an express injunction from the Court, ordering the sale to that effect; and unless such injunction be received, the sale should accordingly take place on the date fixed.

2.—You will be pleased to consider the concluding words of paragraph 2, of the printed construction, No. 794, dated 12th June, 1833, quoted in margin,* as cancelled.

* Staying his proceedings until the further orders of the Court are received.

M. SMITH.
Offg. Register.

Allahabad, 4th September, 1840.

(No. 1709.)

To the several Zillah and City Judges, in the North-Western Provinces and to the Commissioner of Kumaoon.

An erroneous practice being believed to prevail in respect to the mode of conducting sales in satisfaction of decrees when the property to be sold has on it the prior lien of a mortgage, I am directed to communicate, for the information and guidance of your own, and the subordinate Courts, the following rule:—

2.—It has been recently ruled by the Court that the summary investigation often made into the claims of a mortgagee, who may assert a prior mortgage on such property is irregular and supererogatory; the defendant's right and interest in the property being alone sold with the encumbrance of any prior mortgage, and the law providing that bidders at such sales be clearly apprized that nothing is guaranteed to them in the land or other property sold beyond such right and interest.

3.—The Court are of opinion, that on prior claims being asserted, and the time admitting of such a course, the existence of such claims should be made known by the Auctioneer to the bidders at a sale.

M. SMITH,
Offg. Register.

Allahabad, 4th September, 1840.

(No. 1837.)

To the several Zillah and City Judges, in the North-Western Provinces.

A recent instance having occurred in which, on a principal Sudder Ameen, in execution of a decree of his Court above 5,000 Rupees in amount sending the Defendant with a requisition for his confinement in Jail under the provision of Section 7, Regulation VII. 1832, to the Judge's Court, the latter Officer sent the Defendant back with an opinion recorded that in suits exceeding 5,000 Rupees he possessed no jurisdiction, I am directed to communicate to you the following rule.

2.—It has been ruled by a majority of the Allahabad and Calcutta Courts that by Act XXV. 1837, the Principal Sudder Ameen has full power to pass any order connected with the case before him that the Judge himself could pass, subject to an appeal to the Sudder Dewanny Adawlut: he is therefore competent to order the imprisonment of a Defendant in suits above Rupees 5,000, and it is not necessary that the Judge should have jurisdiction in the case to enable him to direct the Civil Jailor to take charge of the Defendant or to release him on the requisition of the Principal Sudder Ameen, the Judge's duty, in such case, being merely to issue the Warrant to the Jailor to receive, or release the prisoner, in the same way that he was required to give lodgment to prisoners uuder Revenue process, before the issue of Circular Order, No. 76, of 4th January 1833, which empowers Collectors to issue their own orders for the imprisonment and release of their own defaulting Assamees.

3.—You are requested to make known the purport of this construction to the Principal Sudder Ameen of your district.

M. SMITH,
Offg. Register.

Allahabad, 18th September, 1840.

(No. 2031.)

To the Civil Judges in the North-Western Provinces.

Under orders of Government the Court are pleased to announce that applications from Principal Sudder Ameens, and Sudder Ameens, for leave of absence from their stations, on private affairs, are in future to be submitted, without any papers in the native language, direct to the Court, accompanied by a statement shewing the amount of business pending in the Court of the applicant, and with an expression of the Judge's opinion as to the propriety of a compliance with his request.

M. SMITH,
Offg. Register.

Allahabad, 27th October, 1840.

(No. 1879.)

To the several Zillah and City Judges, in the North-Western Provinces.

The Court having had under consideration the returns to their Circular of the 28th December, 1838, No. 73, relative to the receipt and disbursement of Tulubana paid to

the Peons attached to the Moonsiffs' Courts, have been pleased to adopt the enclosed rules, which are herewith forwarded to you for your information and guidance.

2.—You will be pleased to communicate these rules to the several Moonsiffs in your District, and, on your having completed the revision of the Peon Establishment, and settled the rates to be in future paid in each Moonsiffship within your District, you will report the same to this Court; submitting an abstract statement of the number of Peons attached to each Cutcherry, and the rate of Tulubana demandable by each Peon per diem.

3.—I am directed to take the opportunity of adding, that an instance was in the past year brought to the notice of the Court of the illegal appropriation by a Moonsiff, in direct violation of the rule contained in Clause 4, Section 5, Regulation VII. 1832, of all receipts of the Muzkooree Peadahs, over and above a certain sum of a few Rupees in amount, assigned to those persons as a monthly salary, and the realization by the Moonsiff of a large profit on that account. Possibly this practice may be of wider prevalence, but the due enforcement and observance of these rules, are calculated to supply an adequate remedy for this and similar abuses, wherever they may exist.

M. SMITH,
Offg. Register.

Allahabad, 18th September, 1840.

Rules regarding the payment of Tulubana in the Moonsiffs' Courts.

1.—The Judge will carefully revise the lists of Peons now employed in the execution of process in the Moonsiffs' Courts, and, after ascertaining what number is requisite for the service of such processes, will select a sufficient number of the fittest persons to be so employed, and will cause each Moonsiff to Register their names as follows:—Name of the Peon—Name of his Father—Number of his badge—his age—his place of abode, and a concise description of his person.

2.—The Moonsiffs are strictly prohibited from employing any person not registered in the mode above prescribed in the service of any process, without recording a special order on their proceedings, and a note also to that effect shall be endorsed on the back of the process.

3.—The Peons, who may be registered as above, shall be furnished with a belt and badge of Office, duly numbered. The expence of the same to be defrayed by the Peon.

4.—The Moonsiffs will frame a table for regulating the Tulubana demandable on the service of their processes, according to the rates established by usage in their respective Moonsiffships. This table shall contain the computed distance from the Sudder Station of the Moonsiff to the extreme parts of his jurisdiction. The number of days for which Tulubana is to be allowed on the issuing of process within the Moonsiffship, shall be calculated with reference to the computed distance of the principal towns or villages from the Sudder Station of the Moonsiff.

5.—The table so framed shall be submitted for the inspection and orders of the Judge, and, after having been duly revised and approved of by that Officer, shall be suspended for general information in the Court-house of the Moonsiff, and no Tulubana shall be allowed beyond the rates, or for a greater number of days than may be prescribed in such table, without a special order from the Moonsiff to be recorded on his proceedings.

6.—The amount of Tulubana demandable according to the table above mentioned, shall be paid previously to the issue of process. The Moonsiff shall endorse a receipt on the process, specifying the amount, and the person from whom it was received,

and, after the execution and return of the process, shall pay the sum in deposit to the Muzkooree Peon.

7.—Tulubana so paid, shall be entered in a Register of the annexed form.

8.—Any Peon, demanding or exacting Tulubana or diet money, in addition to the sum deposited with the Moonsiff, and specified on the back of the process entrusted to him for execution, will be dismissed, and be further liable to such other punishment, as may be warranted by the existing Regulations.

9.—The Moonsiffs are required to take every proper precaution to prevent any illegal exactions of diet, or subsistence money, in addition to the Tulubana; and they will fully understand, that no person on their establishment, is entitled to any "Meeran" or share of the Tulubana, which is to be paid entirely to the Peons.

FORM OF REGISTER OF TULUBANA DEPOSITS.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
No. of Cases.	Name of the Plaintiff.	Name of the Defendant.	Description of Process.	Number of Days.	Amount of Tulubana deposited.	Date of Deposit.	By whom deposited.	No. of Peon.	Name of Peon.	Date of going into Mofussil.	Date of return from Mofussil.	Receipt of the Peon.	Remarks.

M. SMITH,
Register.

(No. 2059.)

To the several Zillah and City Judges, in the North-Western Provinces, and to the Commissioner of Kumaoon and Political Agent of Subathoo.

The Court are pleased, under instructions from Government, to circulate, in supersession of paragraph 2 of their Circular Order, No. 638, dated 10th April last, the following—

"Para. 2.—Any absentee under such circumstances, who, either before or after his return, can satisfy the Zillah Judge by a Medical Certificate, or otherwise, that he is, or was unable, on account of sickness, to return within the proper time, will, in future, be exempt from deduction of salary; but, if unable to account for his absence beyond the fixed period to the satisfaction of the Judge, he will be subjected to the penalty of deduction of *his whole salary* for the period in excess of the vacation, the amount of salary for term of vacation remaining untouched."

M. SMITH,
Offg. Register.

Allahabad, 27th October, 1840.

To the several Zillah Judges, in the North-Western Provinces, with exception to those in the Benares Division.

With reference to the Circular enquiry of the Court of Sudder Dewanny Adawlut, North-Western Provinces, No. 485, dated the 22d March, 1839, and to the replies thereto, I am directed to inform you that the Government having sanctioned an arrangement for constituting Tuhseeldaree Cucherries places of deposit for sums realized by Moonsiffs from the sale of real property in execution of the their decrees, the Sudder Board of Revenue have issued a Circular to that effect, transcript of which is appended to this letter.

2.—From the tenor of my predecessor's letter already quoted, you will have understood that it is contemplated to apply this plan only to those Mofussil Moonsiffee Stations which may be also the site of Tuhseeldaree Cucherries, or the proximity of which to Tuhseeldarees may be such as to admit of the arrangement taking effect without inconvenience. In respect to Moonsiffships at the Sudder Stations of the Zillah Court, or which may be contiguous to or not so remote from it as they are from the nearest Tuhseeldaree, the present practice of depositing in the Judge's Treasury will, of course, be continued.

3.—The Sudder Board have explained that the Tuhseeldars, in whose Offices the rule will take effect, are only to keep an account of the aggregate of each remittance made by a Moonsiff, disbursing on the order of the Moonsiff: and recording merely the dates, and amounts of receipts and disbursements by order of that Officer without any specification of the nature of the case, on account of which the money is deposited or paid, and taking care that the disbursements never exceed the sum total of deposit in their hands.

4.—The Moonsiffs on the other hand, are to be held responsible for the correctness of the payment which they may order, and to keep all such detailed registers of deposits and repayments as they have been heretofore used to do.

5.—As declared in the Court's Circular of 22d March, 1839, I am instructed to add that where the present practice of depositing in the Judge's Treasury may be maintained, the Decree holder's application for the payment of the money may now be made direct to the Moonsiff, who will address the Judge for the transmission of the amount to his Court, a course which will obviate the necessity of any personal application by the Decree holder to the Judge's Court.

6.—You will be pleased to issue proper instructions to the Moonsiffs for giving effect to the rule now communicated, and report eventually for the information of the Court in what Moonsiffships in your District it has taken effect, and what is the practical result.

M. SMITH,
Offg. Register.

Allahabad, 18th September, 1840.

COPY.

(No. 19.)

To Commissioners of Revenue, 1st to 5th, Kumaoon, Delhie and Saugor Divisions.

Circular order directing that the Tuhseeldars be instructed to receive sums deposited in their treasury by Moonsiffs, and to pay out such sums as the Moonsiffs may direct, always taking care that the amount disbursed never exceeds that deposited. Instructions regarding the nature of accounts to be kept by the Tuhseeldars.

The Sudder Board of Revenue N. W. P. desire me to request that the Tuhseeldars of your Division may be directed to receive such sums as the Moonsiffs in their neighbourhood may desire to deposit with them, and to pay out such sums as the Moonsiffs may direct, always taking care that the sum disbursed never exceeds the sum total of deposit in their hands.

2.—There will be no occasion for the Tuhseeldars to keep any account of the cases or persons in whose behalf sums are deposited or paid—all these details will be kept by the Moonsiffs, and the Tuhseeldars have only to concern themselves with keeping a careful record of the amounts and dates of sums received or disbursed under this head. The annexed form of account will be sufficient for this purpose.

3.—All receipts and disbursements under this arrangement will be incorporated in the regular accounts transmitted to the Collector, and its effect on the Cash Balance in the Tuhseeldar's hands will be always exhibited.

H. M. ELLIOT,
Secretary.

Allahabad, 11th September, 1840.

FORM.

RECEIPTS.			DISBURSEMENTS.		
Number.	*Date.*	*Amount.*	*Number.*	*Date.*	*Amount.*

H. M. ELLIOT, *Secretary.*

(No. 2026.)

To the Civil Judges, North-Western Provinces, (except Bareilly, Agra and Benares.)

1st.—The Court circulate for general information the accompanying papers: viz.

1.—Copy of Rules for the examination of Candidates for the Office of Moonsiff, passed by the Right Honourable the Governor General in Council on the 4th August, 1840, and adopted for the North-Western Provinces by the Honourable the Lieutenant Governor, on the 30th July last, together with their translations of the same in Oordoo. The Rules are to be communicated to all the Uncovenanted Judicial Officers, and the attention of the present Moonsiffs directed to the tenth Rule.

2.—A Form (in reference to Rules 2 and 3) of application for submission by Candidates, desirous of being examined, and of Certificate, which, after making proper enquiries, and ascertaining that there is nothing against the character of the Candidate, the Judges will fill up, and forward to the Examining Committee, informing the Candidate

that they have done so, in writing, which writing will be his authority to appear before the Committee.

2nd.—The Court notify that the selection of Bareilly, Agra and Benares as the most eligible stations for holding the periodical examinations has been approved by Government, and that the 1st February, 1841, has been fixed for the first of these examinations by the Court—to which arrangement the widest publicity should be given by the Civil Judges. After that date future examinations will be held half yearly in the months of July and January.

M. SMITH,
Offg. Register.

Allahabad, 20th October, 1840.

(No. 2027.)

To the Judges of Bareilly, Agra and Benares.

1st.—The Court transmit for information the accompanying papers: viz.

1.—Copy of Rules for the examination of Candidates for the Office of Moonsiff, passed by the Right Honourable the Governor General in Council on the 4th August, 1840, and adopted for the North-Western Provinces by the Honourable the Lieutenant-Governor on the 30th July last, together with their translations of the same in Oordoo. The Rules are to be communicated to all the Uncovenanted Judicial Officers of the District, and the attention of the present Moonsiffs directed to Rule 10.

2.—Copy of instructions issued to the Zillah Judges generally, and of the form sent therewith.

2nd.—The Court notify that the selection of Bareilly, Agra and Benares as the most appropriate stations for holding the periodical examinations prescribed by Rule 4, has been approved by Government. With the Judge of each of these Districts, the Commissioner of the Division, the Magistrate, and the Principal Sudder Ameen have been associated in the formation of an examination Committee, to whom corresponding instructions have been issued by the Court. The Judge will, in concert with the Commissioner, make an early report of the names of any other Gentlemen at the Station, who appear eligible as Members of the Committee.

3rd.—The Judge will be careful, as directed in Rule 2, not to receive himself any applications from Candidates for examination, but will invariably refer them to another Judge of the Division. He will report to the Court at least six weeks before the date fixed for each periodical examination, the number of Candidates whose applications have been received, when the Court will furnish the Committee with instructions for conducting the examination, as well as with the necessary examination papers, and forms of diploma for the successful Candidates.

The Court have fixed, as the date for holding the first examination, the 1st February, 1841, after which future examinations will take place on the 1st July and 1st January of each year.

M. SMITH,
Offg. Register.

Allahabad, 20th October, 1840.

Rules for the Examination of Candidates for Moonsiffships passed by the Right Honourable the Governor General in Council, under date the 4th August, 1840.

First.—That at each of three Zillah Stations in the North-Western Provinces, and four in Bengal, to be selected by the Governments of those Presidencies respectively, there be appointed a Divisional Committee of Examination, consisting ordinarily, besides such person or persons as the Government may think fit, of.

1. The Commissioner of the Division in which the Station is situated;
2. The Zillah Judge;
3. The Magistrate;
4. The Principal Sudder Ameen, or Principal Sudder Ameens of the Station.

Secondly.—That all Candidates for Moonsiffships be required to send in their applications for examination to a Zillah Judge of the Division within which they desire to be examined; at least two months before the examination to be held—but that no such applications shall be presented to the Judge who is a Member of the examining Committee.

Thirdly.—That the Zillah Judge, after making such enquiries as he may deem proper, in order to ascertain that nothing exists against the character of the applicant to render him unfit to enjoy the privilege of examination, shall certify on the face of the application, that the applicant may be examined.

Fourthly.—That the Divisional Committee shall meet at least twice in each year, for the purpose of examining Candidates, certified to them for examination during the preceding six months, by Zillah Judges within their Division.

Fifthly.—That the examination shall be conducted by the Commitee in such manner, as shall from time to time be prescribed to them by the Sudder Dewanny Adawlut.

Sixthly.—That at the conclusion of the examination, the Committee shall grant to such Candidates as they may deem proper, diplomas of fitness for employment as Moonsiffs, after such form as the Sudder Court may prescribe; and at the same time forward duly certified lists of such Candidates to the Sudder Dewanny Adawlut.

Seventhly.—That the possession of such diplomas shall entitle Candidates on application to be recommended by Zillah Judges, and Commissioners for vacant Moonsiffships, and to be appointed to such vacant Moonsiffships by the Sudder Dewanny Adawlut, before any Candidates not possessing such diplomas.

Eighthly.—That in case any Zillah Judge shall by reason of having received no application from a Candidate with a diploma, nominate to the Sudder, to fill an existing vacancy, a Candidate without a diploma, the Sudder Court shall appoint to the vacancy any one from among the lists of passed Candidates, who may be willing to accept the vacant appointment; but the Sudder Court shall not delay the appointment for the purpose of making enquiry as to the willingness of any individual on the lists. On the contrary, if no application should be before them from any such person, when the Judge's nomination may be taken into consideration by the Court, they shall, unless they be aware of other objections, appoint provisionally the Candidate recommended by the Zillah Judge subject to his obtaining a diploma in due course under the following rule.

Ninthly.—That in case any person not possessing a diploma, be hereafter appointed a Moonsiff under the last rule, he be required to present himself for examination to the Divisional Committee at the first examination held after the expiration of six months, from the date of his appointment, and that if he then fail in obtaining a diploma of fitness, his appointment be deemed vacant.

Tenthly.—That after effect has been given to these rules, if the Judge of a District have good and sufficient grounds to believe, from any proceeding or other information

officially before him, that any Moonsiff under his control not previously examined, is not sufficiently qualified to discharge in a proper manner the duties of his situation, he may, with the concurrence of the Commissioner, require such Moonsiff to present himself for examination before the Divisional Committee at their next meeting, and any Moonsiff, who being so required, may refuse to submit to examination, or being examined, may fail to obtain a diploma, shall forfeit his appointment, and shall not be re-appointed to a Moonsiffship until he obtain a diploma of fitness.

Eleventhly.—That in future no Sudder Ameen be appointed, except he be one of three Moonsiffs, recommended for promotion by the Sudder Court; and unless he have served as a Moonsiff, for at least twelve months previous to the date of recommendation.

The application of Inhabitant of

Whereas I am desirous of becoming a Candidate for the situation of Moonsiff, I request that after making the necessary inquiries, you will grant me the Certificate prescribed by the 3rd Clause of the Rules for the Examination of Candidates dated the 4th August, 1840, and published in the Gazette of the 15th Idem.

1	2	3	4	5	6	7	8
Name of the applicant and that of his father.	Age.	Religion and Caste.	Family residence, viz. Town or Village, Pergunnah and Zillah.	Statement of past employment in the service of Government.	Statement of landed or other property belonging to the nominee and where situated.	Statement of whether the applicant is a debtor or creditor of other parties, and if so, the place of residence of his debtor or creditor.	Certificate of the Judge.
							After making the necessary enquiries I hereby certify that nothing exists against the character of the applicant to render him unfit to enjoy the privilege of examination.

Zillah
The 18 } *Judge.*

(No. 2103.)

To the Zillah and City Judges, in the North-Western Provinces.

The Court are pleased to notify, for general information, the following arrangement adopted under instructions from the Supreme Government and with the sanction and approval of the Honourable the Lieutenant-Governor, North-Western Provinces, in substitution of the system under which a Pundit has heretofore been attached as Hindoo Law Officer to the Establishment of each Zillah Court, but, at the same time, calculated to secure to each Zillah Court, when required, an exposition of Hindoo Law from a regularly constituted Office.

2.—The principle of this arrangement is the appointment of Provincial Pundits, each having jurisdiction, as Law Officer, over a circle of Zillahs, comprising a given number of Districts in which the system of the Hindoo Shasters current there and the

customs of the people, as connected therewith, most assimilate, and being constituted, with respect to such circle, the legally authorized expounder of the Law to such Zillah Courts, as may be embraced within its jurisdiction, with a salary of 150 Rupees per mensem, and a residence at the Sudder Station of the most centrical Zillah of the group.

3.—From the returns to the circular enquiry dated 27th March last, it appears that the only districts in which Pundits are yet maintained are those named in the margin,* and out of these the Pundits of two Districts (Goruckpoor and Allahabad) hold, besides, the office of Moonsiff.

* Goruckpoor, Benares, Allahabad, Futtehpoor, Mynpoorie.

4.—In pursuance, therefore, of the rule described in paragraph 2, the sanction of Government has been obtained under date 22nd instant, to the arrangement that follows :—

5.—The Moonsiffs of Goruckpoor and Allahabad will continue to draw their salaries (Rupees 60 each per mensem) as Pundits, as a personal allowance in addition to their present salaries as Moonsiffs. Their functions, however, as Hindoo Law Officers will cease.

6.—There will be three provincial circles, comprehending severally the Districts composing the Divisions which they include, to which will be attached the three remaining Pundits, viz. of Benares,* Futtehpoor † and Mynpoorie‡ who are hereby vested with jurisdiction as Law Officer, in each of the Zillahs embraced in their respective circles—and will receive instructions to the effect of those herein given from the Judges to whom they are at present subordinate, and will be directed to proceed and enter upon the discharge of their new functions forthwith.

* Saligram Oopudhya.
† Mohesh Chunder.
‡ Bhowanneepershad.

7.—The note given below expresses the particulars of the above plan.

Name of circle.	*Name of Station where Pundit will ordinarily reside.*	*Name of Officers.*
1st or Benares circle, ...	Benares,..	Saligram Oopudhya.
2nd or Allahabad and Agra circle, ...	Cawnpore, ,	Mohesh Chunder.
3rd or Delhi, Meerut and Rohilkund circle,	Delhi, ...	Bhowaneepershad.

M. SMITH,
Offg. Register.

Allahabad, 30th October, 1840.

(No. 2114.)

To the Commissioners, Civil and Sessions Judges, Magistrates and Independent Joint-Magistrates in the North Western Provinces, and to the Assistants of Kumaoon and Saugor and Political Agents of Subathoo and Dehra Doon.

The Court are pleased, under instructions from Government, to circulate for the information and guidance of the several Authorities, the following opinion of the Honourable the Court of Directors in regard to the inexpediency of Natives employed in and trained to the duties of one department of the Public Service, being transferred to another.

2.—The Honurable Court object to inducements being held out to Natives who have become familiar with the duties, (more especially if of a scientific nature) of one office to quit them with a view to their own advantage in another branch of Govern-

ment employ—and they observe that public Officers must not only not invite, but must positively refuse, to entertain an application for employment from any Native, who is at the time of making the application, in the public employ of a Government Office or Department, unless they shall have previously received the full acquiescence of the head of such Office or Department.

M. SMITH,
Offg. Register.

Allahabad, 5th November, 1840.

(No. 2135.)

To the Civil and Criminal Authorities in the North-Western Provinces.

The Court deem it requisite to call the attention of the several Authorities under their control, to the purport of the Circular, No. 20, dated 2nd July, 1830; and to enjoin the observance, henceforward, of the Rule laid down therein, requiring each letter addressed to the Court to be accompanied by an Abstract of its contents, which appears to have fallen into disuse; but which the receipt, in several late instances, of letters and reports of "unnecessary expansion," has forced on them the necessity of maintaining, on the grounds noticed by the Honourable the Court of Directors, in the Extract of their despatch appended to the Circular.

M. SMITH,
Offg. Register.

Allahabad, 13th November, 1840.

(No. 2132.)

To the several Zillah and City Judges, in the North-Western Provinces.

The Court are pleased to prescribe an addition to the Heading of column 2 of the Quarterly Statement required to be sent by the Courts to the Revenue Authorities by Circular order of 12th December 1834, as shewn below, the information which it will supply being necessary to indicate the exact period from which the requisition on the Collector by the Civil Court takes effect, as an interval frequently occurs between the date of Order for reference and that of despatch which the present form of Statement fails to represent.

M. SMITH,
Offg. Register.

Allahabad, 6th November, 1840.

QUARTERLY REPORT OF REQUISITIONS, &c.

Names of Parties.	Date of order for reference, and date of despatch of letter containing it.	Substance of requisition.	Reasons assigned by Collector, &c,	Judge's opinion of those reasons.

(No. 2149.)

To the several Zillah and City Judges, in the North-Western Provinces.

The Court are pleased to Circulate for the information and guidance of the Civil Judges Extract [Paragraph 37,] of a despatch from the Honourable the Court of Directors, dated 15th July last, having reference to the Circular Instructions of the Sudder Dewanny Adawlut, dated 14th October, 1837, which direct the adoption of a Form of Statement shewing the quantity of business disposed of daily by the Moonsiffs, and to request the particular attention of the Judges to the latter part of the Extract.

M. SMITH,
Offg. Register.

Allahabad, 13th November, 1840.

Extract of a Despatch from the Honourable the Court of Directors No. 12 *of* 1840, *dated London, the* 15*th July,* 1840.

Para. 37.—It is requisite that the Superintending Authorities should possess the means of ascertaining that the Moonsiffs are regularly and diligently engaged in the performance of their Official duties. But this information, we concur with the Sudder Court at Allahabad, in thinking, was not attainable by the strict enforcement of former rules. The return required by those rules shewed indeed that, a Moonsiff had decided a certain number of cases within the month; but if he could manage to get through the quantity of work considered on an average proper for a month during a portion of that time, he might for the remainder absent himself entirely from his Court; a power of which some of the Moonsiffs did not hesitate to avail themselves. The return required by the new order, will exhibit, not only the quantity of work performed, but the regularity of attendance, or otherwise. At the same time we trust that the several Judges do not restrict their superintendance over the Moonsiffs to the punctual exaction of periodical returns, but form a Judgment of their merits from the much more complete and satisfactory evidence of a general nature, which falls under their observation.

3 @ 5 and 1 @ 7 of 4th August, No. 7, 1838, Circular Orders requiring Statements of the daily amount of work disposed of by Moonsiffs.

[True Extract.]

M. SMITH,
Offg. Register.

(No. 2141.)

To the several Zillah and City Judges, in the North-Western Provinces, and to the Commissioner of Kumaoon, and Political Agent of Subathoo.

Government having sanctioned the preparation, under direction of the Court, of Office Seals of an uniform size, shape and inscription, for the whole of the Principal Sudder Amcens and Sudder Ameens in these Provinces, it is hereby notified that these Seals, which have been made at Delhi, under the Superintendence of the Officiating Judge, Mr. G. F. Harvey, are now ready, and have been dispatched under this date, to the address of the several Judges, who, on receipt, will be pleased to distribute them to the Officers for whom they are respectively intended, those of an oval shape being for the Principal Sudder Ameens, and the oblong Seals for the Sudder Ameens. These

they will at the same time be instructed to use henceforward, transmitting the Seals in present use to the Judges, who will break them up, or dispose of them as may seem proper.

2.—The Moonsiffs' Seals not having been found to present the same diversity of shape and size as existed in the Seals of the two superior grades, it has not appeared necessary to prepare new ones for that class of Officers. The distinction of grades, it will be seen, is now clearly marked by a difference of shape, the Seals of the Judges being round, of the Principal Sudder Ameens oval, of the Sudder Ameens oblong, and of the Moonsiffs square.

M. SMITH,
Register.

Allahabad, 20th November, 1840.

(No. 2207.)

To the several Zillah and City Judges, in the North-Western Provinces.

Communicates rule of practice regarding authority for disposing of claims to share in proceeds of sales in satisfaction of decrees.

With a view to fix the practice in respect to the proper authority for adjudicating conflicting claims advanced by decree holders to share in the proceeds of sales made in satisfaction of decrees passed by the Subordinate Courts, the Court are pleased to communicate the following rule, established by judicial precedent, for the information and guidance of the Covenanted and Uncovenanted Judges:

2.—All claims to a share in the proceeds of sales of property made in execution of decrees of Court should, in the first instance, be preferred to, and disposed of by, the Court ordering the sale whether such decrees may have been passed by that or by any other Court, that tribunal passing an order in favour of whichever of the decree-holders it may consider to be entitled to the preference; and any party dissatisfied with such order having his remedy in an appeal to the Judge (or Sudder Dewanny Adawlut as the case may be,) it not being competent to the higher Court to interfere with the view of adjudicating any matter of this nature, till the point come regularly before it in appeal.

M. SMITH,
Offg. Register.

Allahabad, 20th November, 1840.

(No. 2208.)

To the several Civil Judges, in the North Western Provinces.

The Court are desirous of possessing an accurate record of the services and qualifications of the Moonsiffs employed under them, to assist them in promoting meritorious Officers, and they are therefore pleased to require Statements in English of the several Moonsiffs of each District, prepared according to the accompanying form, the materials of the 1st six columns of which can be obtained from the Moonsiffs themselves, and the information in the final column supplied by the Judges.

M. SMITH,
Offg. Register.

Allahabad, 27th November, 1840.

Statement of Moonsiffs of

Name.	Age.	Religion.	Station.	Landed property in his possession and where situated.	Date and nature of past services under Government.	Character given of him in the Court's Annual Reports.

Remarks of the Sudder Court.

(No. 2273.)

To the several Civil Judges in the North-Western Provinces.

Requesting certain particulars regarding fines imposed by Moonsiffs for disrespect or contempt of Court.

The Court request that the several Judges will call on their Moonsiffs to fill up and submit to them the accompanying form, and will then, after having had the same duly compared and verified in their Courts, forward a detailed Statement for the information of the Court.

M. SMITH,
Offg. Register.

Allahabad, 27th November, 1840.

Return of the Cases in which the Moonsiffs of the District of have imposed fines on persons for disrespect or contempt of Court, shewing the number of cases in which the orders have been confirmed and the amount of the fines realized; from 1st January to the 1st July, 1840.

Name of the Moonsiff and of his Moonsiffee.	Number of cases in which fines have been imposed.	Total amount of fines imposed in these cases.	Number of cases in which the Judge has confirmed the order.	Number of cases in which the Judge has reversed the order.	Total amount of fines realized.	Remarks.

ERRATA:

Reference of Cases to Arbitration.

The Sudder Dewanny Adawlut desire it to be notified to all the Courts under their jurisdiction, that there is a material discrepancy between the original and the Persian translation of Regulation XXI. of 1803, Section 2. In the original, the Courts are enjoined to recommend parties to submit their differences to arbitrations in suits, in which the cause of action shall exceed Two Hundred Sicca Rupees. The translation, however, states that suits not exceeding Two Hundred Rupees are thus referrible to arbitration. The Persian version is therefore corrected, and the section will be read thus:

دفعه دوم

اچهه مقدمات مناقشهٔ حساب و شرکت و قرضه و قول قرارخرید و فروخت و عدم ایفاے قرار داد
کنّرکت اعني بالمقطع بعدالنهاے دیواني رجوع گردد از جملهٔ آن در مقدماتیکه وجه دعوي آن زیادة
از دو صد روپیه سکه باشد صاحب عدالت را باید که بمتخاصمین آن مقدمات صلاح دهند که جهت تجویز
و انفصال آن مقدمات ثالث قبول نمایند •

(No. 2333.)

To the several Zillah and City Judges, in the North-Western Provinces and the Commissioner of Kumaoon.

Forwards Sunnuds of appointment for Moonsiffs and requests recall of the Sunnuds they may at present hold.

The Judges will herewith receive Commissions of appointment issued by the Sudder Dewanny Adawlut, with the sanction of Government to the several Moonsiffs in the North-Western Provinces, for delivery to those Officers, from whom they will, at the same time, be pleased to recall such Purwanahs or Sunnuds of appointment as they may at present hold from the Zillah authorities.

In future, upon the vacation of Moonsiffship the Judge to forward to Court the Commission of vacating Officer.

2.—In future, upon the vacation of any Moonsiffship by death, promotion, or otherwise, the Judges will forward to the Court the Commission of the Officer vacating, in order that a new Sunnud may be issued to his successor.

M. SMITH,
Offg. Register.

Allahabad, 11*th December,* 1840.

(No. 16.)

To the Civil and Criminal Authorities in the North-Western Provinces.

Under instructions from Government, it is hereby notified that no English Stationery of any kind is to be charged for in the Contingent Bills, of the public establish-

ments in these Provinces, such articles being obtainable by indent from the Government stores under the control of the Military Board.

M. SMITH,
Offg. Register.

Allahabad, 4th January, 1841.

(No. 49.)

To the Zillah and City Judges, in the North-Western Provinces.

With the sanction of Government, the Court are pleased to promulgate for general information, an erratum prepared by the Translator to Government at the Presidency, regarding an error discovered in the Persian Version of Regulation X. 1829, and request the attention thereto of all Officers concerned.

M. SMITH,
Offg. Register.

Allahabad, 4th January, 1841.

Erratum Regulation X. of 1829.

قانون دهم سنه ۱۸۲۹ ع دفعه سوم ضمن اول

غلط

هیچ یک سند یا وثیقه یا نوشته که در ملکي از ممالک هندوستان که درانجا قانون هذا رائج است بابت اداے زرے یا وصول آن یا بابت بیع یا انتقال یا تفویض مال منقوله یا غیرمنقوله یا حقی در ان بعمل آید •

صحیح

هیچ یک سند یا وثیقه یا نوشته که در ملکي از ممالک هندوستان بابت اداے زري یا وصول آن یا بابت بیع یا انتقال یا تفویض مال منقوله یا غیرمنقوله یا حقي دران واقع بچائي که درانجا قانون هذا رائج است بعمل آید •

(No. 43.)

To the several Zillah and City Judges, in the North-Western Provinces.

The Court deem it necessary to embody, in a succinct form, the purport of former Circular Orders * regarding certain essential points of procedure under Regulation XXVI. 1814, for the guidance of the Civil Authorities, and especially of the Subordinate Judges, who are now vested with such important powers, and whose adherence to the Rules in that Law is of the greatest moment to the due discharge of their Judicial duties.

Aug. 7th, 1817.
Oct. 25th, 1822.
August 5th, 1836.

2.—The provisions of the enactment referred to, to which particular attention is required, and the object of which is to simplify and facilitate the proceedings of the Civil Courts, are the following:

Purport of former Circulars touching points of Civil procedure under Regulation XXVI. 1814, embodied in one order.

1st.—Those contained in the second Clause of Section 5, which direct that all pleadings and petitions required to be written on Stamp paper, be written in a fair, legible hand, and prepared with regard to the size of the writing, the space between the words, and the number of lines.

Rules requiring enforcement particularized, viz. in Clause 2, Section 5, Clause 3, Section 6, Section 10 Regulation XXVI. 1814.

2nd.—The restriction in the third Clause of Section 6, against the admission of supplemental pleadings without special permission of the Court, after perusal of the pleadings previously filed.

3rd.—The Rules prescribed in Section 10, [which are important towards the prevention of superfluous matter and needless delay in the trial and decision of Civil Suits] with a view to ascertain the precise object of the action, the grounds on which it is maintained, and the point or points to be established by the parties respectively, when the suit is first brought to hearing after the pleadings are completed, and before any exhibits are filed, or witnesses summoned.

3.—The Judges are enjoined, in the trial of Appeals from the decisions of the Subordinate Courts, to point out to the latter any instances in which they may have neglected to observe the above Rules [particularly those in Section 10, an adherence to which, besides promoting the easy adjudication of suits, is calculated to save the parties themselves from much useless expense, and to relieve the public from the inconvenience of quitting their homes and occupations to attend the Courts as witnesses] and should any Officer, after such caution, still neglect the observance of the Rules, a full report of the circumstance is to be made to the Court.

Judges to notice instances of neglect to observe these Rules, to lower Courts, and, on a recurrence of the omission, to report to Court.

4th.—Attention is especially requisite in the preliminary stage of a proceeding, clearly to ascertain the points at issue, and distinctly to note such points to the parties as those which they are to prove respectively; and the presiding authority in weighing the apparent tendency and the applicability or otherwise of the evidence offered, should, previous to rejecting any as appearing superfluous, consider well whether or not such evidence [though deemed unnecessary by the Court of original jurisdiction] may be deemed requisite by the appellate Court.

Matters to be looked to in the preliminary stage of the proceedings noticed.

5th.—The omission to accompany the record of appealed cases submitted according to the Rule in Section 8, Regulation IX. 1831, with the proceeding required to be drawn up by Section 10, Regulation XXVI. 1814, being extremely inconvenient, particularly where the appellant pleads that the lower Court has omitted to receive documents tendered or to summon witnesses named by the party, the Court enjoin the invariable submission of that proceeding in all appealed cases, and should it appear, on the case coming before them, that no such document has been drawn up, serious notice will be taken by the Court of the neglect.

The proceeding required by Section 10, of the Regulation always to accompany the record of appealed cases, its omission will be duly noticed.

6th.—The Judges will not fail to observe that the Rules in Section 10 of the Regulation alluded to apply to the trial of appeals as well as of original Suits; and they will therefore in all cases record on their proceedings the precise points at issue and the grounds on which the parties maintained their several pleas.

Rules in Section 10, of the Regulation applicable to appeals, as well as original suits, Judges will observe them in trial of appeals.

7th.—The Principal Sudder Ameens will be instructed to observe strictly the Rules prescribed for their guidance by Section 21, Regulation V. of 1831, and told that any neglect on this point will be visited with proper notice by the Court.

Strict observance of Rules in Section 21, Regulation V. 1831, enjoined on Principal Sudder Ameens.

8th.—It being the evident intention of the Regulations and most desirable for the ends of justice that witnesses in Civil Suits should, in all possible cases, be examined *vivâ voce* by the authority who conducts the trial and decides on the merits of the case, this course is to be followed as much as practicable, but when necessity may require the employment of Native Officers in this duty, the provisions of Clause 1, Section 11, Regulation XXVI. 1814, should be duly observed and the Officer so employed should be informed, by a proceeding held in pursuance of Section 10, of that enactment, of the point or points on which the examination is to be taken, and told not to allow the parties or their Vakeels to question the witnesses on other points, and the grounds of necessity which may compel a recourse to such auxiliary agency and hinder the personal examination of the witnesses by the Court trying the case should, in each instance, be recorded on the proceedings.

Witnesses in Civil Suits to be in all possible cases personally examined by the authority presiding in the adjudicating Court, in instances of necessary exception to this Rule, precautions enjoined by Law to be followed.

9th.—It should be made known, as a general Rule, that when a deposition may be taken before a Native Officer, he is to affix his signature in proof of its having been taken before him that it may appear to whom, in case of irregularity, responsibility attaches.

And when a Native Officer is employed in taking depositions, his signature to be affixed in token of his being responsible.

M. SMITH,
Offg. Register.

Allahabad, 4th January, 1841.

(No. 187.)

To the several Civil Judges, in the North-Western Provinces.

The following amendment in the wording of part of the Circular Order dated 27th October, 1840, and published in the *Urdu Gazette* of 11th November last, is promulgated for adoption by the Judges—6th line.

For "in future to be submitted, without any papers in the native language, direct to the Court"

Read.

In future to be submitted, without any papers in the native language, to the Court [instead of to Government] through the Zillah Judge, &c., &c.

M. SMITH,
Offg. Register.

Allahabad, 23rd January, 1841.

(No. 279.)

To the Civil Judges, in the North-Western Provinces.

Repeated instances having been brought to the notice of the Court, evincing much want of attention on the part of the Uncovenanted Judges, and of the Vakeels and Agents attached to their Courts, to the Rules prescribed for the preparation of pleadings, the Court request that the Judges will ascertain that every Uncovenanted Judge under their control is furnished with translations of Section 25, Regulation XXIII. 1814; Clauses 2 and 4, Section 5, Regulation XXVI. 1814; and Section 9, Regulation XXVII. 1814.

Calls attention of the Subordinate Courts through the Judges to the Regulations prescribing Rules for the preparation of pleadings, and enjoins observance thereof; with penalty on failure.

2.—The Uncovenanted Judges should at the same time be informed that it is their duty to see that the Vakeels and Agents, attached to their Courts, draw up "the plaint," "the answer," "the reply" and "the rejoinder" as also "the reasons of appeal," and "the reply" thereto, in strict conformity to the Regulations; and the Court will hereafter hold any Officer, who may be proved to be generally inattentive to this important subject, to have been guilty of gross neglect of duty, bringing him within the provisions of Section 26, Regulation V. 1831.

M. SMITH,
Offg. Register.

Allahabad, 13th February, 1841.

(No. 319.)

To the several Zillah and City Judges, in the North Western Provinces.

Prescribes form of exhibiting particulars regarding Regular Suits and miscellaneous cases of old standing.

To facilitate reference and simplify the exhibition of the important particulars regarding Suits of old standing in the final column of Part 3, Statement No. 1 of Civil business, the Court are pleased to desire that the Judges will adopt, in preparing this part of the Statement, the plan of entry in use in the Cawnpore Zillah Court, an example of which is given below; extending the space allotted for these remarks, when necessary, by pasting a sheet of paper to the foot. The principle of this plan of entry will equally apply to the miscellaneous cases of old standing in Statement 2 and 3.

M. SMITH,
Offg. Register.

Allahabad, 20th February, 1841.

	1835.	1836.	1837.	1838.	1839.	1840.	Explanation of the causes of delay, &c.			
								No. of case.	When instituted.	Remarks.
Original Suits pending before Judge,			A 1		B 2		A	2731	1st May 1837	
							B	4369	10th April 1839	
P. S. Ameen, ...	C 1	D 1			E 1		"	2840	8th June 1839	"
Sudder Ameen, ...			F 1		G 1		C	6372	5th May 1835	"
Moonsiff of, ...			H 2							"
Moonsiff of, ...										

Examination of Candidates for Moonsiffships.

The Court publish, for general information, the following Rules for the examination of Candidates for the Office of Moonsiff, and for the guidance of Committees, together with an addendum to the third Rule of 4th August, 1840, [published in the Urdu *Gazette* of 25th November last,] which have been approved of by the Hon'ble the Lieutenant Governor, North-Western Provinces, under date 10th February, 1841.

1. The examination to be partly vivâ voce, and partly written answers to prepared questions.

2. The questions will be framed by the Court of Sudder Dewanny Adawlut from the Regulations and Rules of practice for the guidance of the Courts of Civil Justice, and will be forwarded by them to the Examination Committees on the receipt of the prescribed reports, informing them that examinations are about to be held.

3. The questions to be answered by the Candidates without reference to books or other sources of information, in the presence of two Members [one of them being the Judge or Commissioner of the Division,] of the examining Committee. The several Members of the Committee, however, shall examine the replies, and report on the eligibility of the candidates. Candidates will be at liberty to give their replies in whatever language they please, but it will be the duty of the Committee to satisfy themselves that every candidate, who may be considered qualified in other respects for the situation of Moonsiff, possesses also a competent knowledge of the Urdu and Persian languages.

4. After the candidates shall have delivered their written replies to the questions, the papers of a Moonsiff case, which has been decided on its merits, shall be read by a Mohurrir *seriatim*, the final decree excepted, to the several candidates, who shall then be required to record, in any language they may prefer, their opinions on the points at issue between the parties, and the manner in which the suit ought to be decided, agreeably to the Regulations and the law of the parties. The opinions thus recorded shall be examined by the whole of the Committee, to enable them to judge of the capacity and intelligence of the candidates.

5. On the close of the examination, the replies of the successful candidates to the written questions shall be forwarded to the Sudder Dewanny Adawlut.

6. The oral examination shall be conducted by a full meeting of the examining Committee, who shall examine each candidate, separately, by questions from the Regulations relating to the Constitution, extent of jurisdiction, powers and course of procedure of the Courts of the Native Judges.

7. At the conclusion of the examination, the Committee shall, as directed in the 6th of the Government Rules, grant to such candidates as they may deem proper diplomas of fitness for employment as Moonsiffs, according to the form* furnished them by the Sudder Court, and, at the same time, forward duly certified lists of such successful candidates to the Sudder Dewanny Adawlut.

8. When the Members of any Committee are equally divided in opinion as to the propriety of granting or withholding a Diploma, such equality of votes shall be held to render the candidate ineligible.

9. No Member of any Committee shall vote regarding any candidate to whom he may be in any way related.

10. The rejection of a candidate at one sitting of a Committee shall not bar his appearance at a future period before them for examination, but such candidates shall renew their certificates from the Zillah Judge [under Rules 2 and 3, of 4th August, 1840] previously to the second examination.

FORM OF DIPLOMA.

We hereby certify that ——— was examined at the half yearly examination held at ——— in the month of ——— 184 , and that we consider him duly qualified, from his knowledge of the Native languages, and of the Laws and Rules of practice for the guidance of the Courts of Civil Justice, to hold the situation of Moonsiff.

* Form is annexed.

[Signatures of Members of Committee.]

Name of Candidate.	Name of his Father.	Age.	Place of Residence.

Addendum to Rule III. of 4th August, 1840.

1. The Zillah Judge, to whom application may be made for a certificate, shall, after making such enquiries as he may deem proper, to ascertain that the applicant is a person of respectability, good character, and suitable attainments, certify on the face of the application that the applicant may be examined. If, however, the enquiries made on these points prove unsatisfactory, or, if the applicant be unable to produce credentials to his respectability, past conduct, and general qualifications, the Judge shall decline compliance with the application.

2. The certificate of the Zillah Judge, [to be entered under Column 8, of the Form of application appended to the Rules dated 4th August, 1840,] shall be in the following terms :—" I do hereby certify that I have satisfied myself that the bearer of this certificate A. B. is a man fully fitted, by respectability and good character, to fill the Office of Moonsiff; and from the enquiries I have made, I have every reason to believe that he is qualified, from his past conduct and general information, to enjoy the privilege of examination for the Office of Moonsiff." In modification of paragraph 2, of the Circular dated 20th October, [published in the *Gazette* of 25th November] last, the certificate shall then be transmitted to the Sudder Dewanny Adawlut, who, if they be aware of no objection, shall certify as follows thereon, and return it to the Judge : "The Sudder Dewanny Adawlut, having inspected this certificate, are aware of no objection to the examination of the candidate."

3. When a candidate appears before a Committee, if they shall be aware of objections to his examination, on the score of character, they shall refuse to proceed with his examination, and shall declare their objection in writing, on the face of the certificate, and transmit it to the Sudder Dewanny Adawlut, for such orders or for such further enquiry as that Court may think proper.

The Court are further pleased to publish, for information, lists of candidates to whom diplomas of fitness for employment as Moonsiffs were granted by Divisional Committees at the examination of 1st February, 1841.

		Name of Candidate.	Name of his Father.	Age.	Place of Residence.
				Years.	
By Agra Committee,	1	Samachurn Banoorjee,	Ramchund Banoorjee, ..	26	City of Calcutta Zillah 24 Pergunnahs.
	2	Khaja Humeedoodeen Uhmud, ...	Khaja Zynoolabideen .. UhmudKhan, ...	27	Delhi.
	3	Syud Uhmud Khan, ..	Syud Mohumed Mootuqee,	31	Delhi.
By Benares Committee,	1	Bunda Ulee, ...	Niamut Ulee, ...	20	Smaee Kheta Pergunnah Ingoolee, Zillah Jounpore.
	2	Umeer Ulee, ...	Lol Mohumud, ...	42	Kusbah Zumaniah, Zillah Ghazeepore.
	3	Bisheshwur Dial, ...	Sunkurlol, ...	35	Ghazeepore.
	4	Doorganaraim, ...	Lala Moteeram, ...	34	Benares.

M. SMITH,
Offg. Register.

(No. 393.)

To the several Civil and Sessions Judges, in the North-Western Provinces.

The practice in force in Bengal in respect to granting leave of absence to Subordinate Judicial Officers and Law Officers, is as follows, and, to secure uniformity, the same will in future be observed in the Districts under the control of the Court.

Respecting practice in force in Bengal granting leave of absence to subordinate Judicial Officers and Law Officers, the same to be observed in the North Western Provinces.

2. Leave of absence, whether for the periodical vacations, or on other occasions, is granted to Moonsiffs by the Sudder Dewanny Adawlut, and to Sudder Ameens and Principal Sudder Ameens by Government, the recommendation coming, in either case, from the District Judge. In urgent cases, the Judge grants permission, and reports it to the Sudder Dewanny Adawlut for their sanction, or that of the Government, according as the grade of the applicant may require—applications for leave on the part of Law Officers are forwarded to the Court with the opinion of the Sessions Judge as to the propriety of compliance therewith.

3. Under the Circular Order of the 27th October, 1840, [published in the Urdu *Gazette* of the 11th November last,] the applications of the Principal Sudder Ameens and Sudder Ameens are now forwarded by the Judges to the Court and by the Court to Government with their opinion whether the leave should be granted or not.

4. The present Rule supersedes that portion of Circular Order, No. 85, dated 10th May, 1833, which made it competent to the Zillah Judges to grant leave of absence, on their own authority, to Principal Sudder Ameens, Sudder Ameens, and Moonsiffs, for the term of the periodical vacations.

M. SMITH,
Offg. Register.

Allahabad, 27th February, 1841.

No. 518.

To the several Civil Authorities, in the North-Western Provinces.

The Sudder Dewanny Adawlut in Calcutta have lately communicated for the guidance of the Courts under their control some remarks of the Government of Bengal regarding Civil cases of longer standing than a year, to the effect that cases of former years should be always extremely few, and their appearance strictly accounted for, that the tendency to postpone the consideration of old cases, which are generally of a difficult and tedious nature, to the trial of new and easily decided suits should be counteracted, and that particular stress should be laid on the point in the instructions sent by the Court to the subordinate tribunals.

Observes on the importance of reducing as much as possible the number of old standing cases, whether those sent back by remand, or bonâ fide arrears; notices defective system in regard to taking up cases to pass orders thereon, and means of correcting the same, and dispenses, for the present, with monthly explanations in cases of long standing, substituting quarterly instead.

2nd. The same Court, after noticing that the explanations given of the causes that have operated to retard the disposal of cases of the above description are frequently very unsatisfactory, observe that very few cases should, in their opinion, remain undecided in the Courts of the Judge and Principal Sudder Ameen which have been instituted beyond eight or ten, none in the Sudder Ameen's and Moonsiff's Courts that have been instituted beyond six months.

3rd. In the Districts subject to this Court many suits, nominally of old standing, are those which have been remanded by a superior to an inferior tribunal, and restored to their original number and year of institution on the file, to them the foregoing

remarks do not, of course, to the same extent apply. But in regard to bonâ fide arrears of former years the Court desire, in the fullest extent, to adopt the opinion, and repeat the exhortation of the Presidency Court.

4th. The Court wish particularly to notice, as a defect requiring correction, the apparent absence of system, or prevalence of a bad system in many of the lower Courts in taking up the cases pending before them with a view to passing proper orders and issuing needful processes. It is an essential part of the duty of control vested in each Judge to remedy this evil, which may be effected by calling for the papers of some of the pending cases upon a revision of the Monthly Statements, and, after inspection, issuing strict orders, injunctive of diligence or animadversive of neglect, thereon, and reporting special instances of misconduct to the Court.

5th. Under the present rule the Civil Statements for each month contain an exhibition* of the reasons of delay in deciding old standing regular suits and miscellaneous cases, and of the steps taken to prepare them for adjudication; and the same are repeated in the Annual Statements. From the Districts under the Calcutta Court such explanations are required quarterly.

6th. In Districts where the Civil business is heavy the monthly requirement of these details doubtless imposes much labor on the various Officers and their establishments, and, supposing due diligence to be used by the inferior, and supervision exercised by the Judge's Courts, the supply of such particulars quarterly would probably be sufficient as a means of information and check.

7th. With this view the Court, until further orders, dispense with detailed explanations of causes of delay in deciding cases, regular and miscellaneous, older than 12 months, in all but the Statements for March, June, September and December, and the Statements for the whole year. The cases of former years will be exhibited, as at present, in the proper columns, according to the years to which they belong, in each monthly Statement, with a note, in the column of remarks, of how many are remanded suits, and the dates of receipt, regarding each, by the Court to which they were returned for retrial; while a full detail of the causes that delay decision will be confined to the Quarterly and Yearly Statements, and the quarterly detail will include a recital of the steps taken and orders passed in each such case during the quarter.

8th. It will depend on the degree of care and attention paid by the Local Courts to this part of their duties whether the Court maintain the rule now sanctioned, or revert to the former practice.

M. SMITH,
Offg. Register.

Allahabad, 24th March, 1841.

(No. 592.)

To the several Zillah and City Judges, in the North-Western Provinces.

Rules regarding allowances of Native Judges who may be either restored to Office, or dismissed, after suspension, and those of persons who Officiate for such Officers.

The Court notify, with the sanction of Government, that no Moonsiff, Sudder Ameen, or Principal Sudder Ameen, who may be suspended from Office, should suffer any deductions from his salary if restored to his situation. His locum tenens during suspension, if appointed to Officiate with full powers, will draw the allowance received under the Rules of the 29th January, 1833, by Officers officiating for absentees, and this amount will be an extra charge on Government.

* Part 3, Statement No. 1, Statements Nos. 2 and 3.

2nd. If the suspended Moonsiff, Sudder Ameen, or Principal Sudder Ameen be dismissed from Office, the whole of the salary will be allowed to the person who may have actually performed the duties of the Office, from the date of his taking charge.

3rd. The Judges must take care, under these circumstances, to complete any enquiry they may deem it requisite to institute into the conduct of any Uncovenanted Judge, with all practicable despatch, so that the interests of Government may not suffer from a protracted investigation.

M. SMITH,
Offg. Register.

Allahabad, 5th April, 1841.

(No. 641.)

To the several Zillah and City Judges, in the North-Western Provinces.

The Court are pleased, under Section 8, Act No. XXV. of 1837, to give a general authority to the Judges to transfer to the Principal Sudder Ameens for disposal according to the Rules prescribed for the Judges in the like cases, any miscellaneous cases now depending, or that may be hereafter instituted in their Courts under headings Nos. 5, 6, 7, 8, 10, 11 and 12 of Statement No. 2, together with any other miscellaneous matters legally transferrible under the Regulations to those Officers.

General authority given to Judges under Section 8, Act XXV, 1837, to transfer miscellaneous business from their files for disposal to Principal Sudder Ameens.

M. SMITH,
Register.

Allahabad, 10th April, 1841.

(No. 672.)

To the Zillah and City Judges, in the North-Western Provinces.

On the 5th June, 1840, the Court, referring to the numerous cases remanded in appeal, regular or special, for retrial to the Lower Courts during 1838 and 1839, requested from the Judges a brief exposition of the principle and general grounds on which they proceeded, and the considerations which chiefly influenced them in so dealing with the cases alluded to as regarded both Suits remanded from their own files, and those wherein a remand had been recommended by the Principal Sudder Ameen, and approved of by the Judge under the Circular Order of the Sudder Dewanny Adawlut, No. 1146, dated 14th June, and issued 5th July, 1839.

Notices result of enquiry regarding Suits remanded for retrial to Lower Courts, adverts to want of comprehension of correct principle in following that course, as instanced in various insufficient grounds, and especially two commented on, and prescribes Monthly Return shewing particulars concerning Suits sent back by remand for the future.

2nd. The Court have for some time had before them the returns to that call, an attempt to digest and classify which has, however, been frustrated by the variety of grounds of remand displayed therein, and the anomalous character of many of them; but a revision of the explanatory details proves that many suits have been most unnecessarily sent back for retrial, and that the principle on which such a course has been sanctioned by the law, is but imperfectly understood.

3rd. Without specifying many grounds that have appeared to the Court insufficient, two may be noted as frequently adduced—viz. 1st, the mere fact of a suit hav-

ing been decided exparte by the lower Court, and 2nd, the improper valuation of a suit, that point not having been urged in the Court of original jurisdiction.

4th. If after an appeal has been filed, and is brought on for hearing, either subsequent to the service of process on the Respondent, or under the Rules of Clause 3, Section 16, Regulation V., 1831, it should appear that the party appealing has had due notice served on him by the Court of first jurisdiction, and that the Judge presiding therein has decided the suit agreeably to the Rules of practice and to the Regulations of Government and further that the reasons of default assigned by the Appellant are frivolous and groundless, or that he has wilfully neglected to attend in the lower Court, in such case the Court are of opinion that the Appeal should be dismissed. The mere circumstance of a case having been tried exparte is no sufficient ground for either sending it back for retrial, or for proceeding to investigate the pleas of the Appellant to the Original Suit, provided it have been legally decided by the Court of first instance.

5th. The mere fact of the improper valuation of a suit constitutes no valid cause for remand, unless that point shall have been urged in the lower Court; but should a suit be sent back on other grounds, and the plea of improper valuation have been urged in Appeal, the Court consider it should not be overlooked by the remanding tribunal.

6th. The Court now request that the Judges will forward, with the Statements of Civil business for each month a Return in English, drawn out according to the annexed form, marked No. 4, shewing particulars regarding Suits sent back by remand.

7th. For the three months of the present year that have expired, the Judges will be pleased to send a separate Quarterly Return at the earliest period possible.

8th. The Return is intended to shew the number of Suits sent back in each month by order of the Judges* to the Principal Sudder Ameens, Sudder Ameens, and Moonsiffs for re-trial. The different headings have been adopted with reference to the provisions of Clause 2, Section 2, Regulation IX. of 1831, extended to Zillah and City Judges by Act No. VII. of 1838, and will enable the Court to ascertain the specific grounds on which the *judgments* appealed against have been considered to be erroneous or defective.

9th. Ample materials for judging of the character, intelligence, and legal qualifications of the several Judicial Officers are presented by such a Statement, carefully prepared,—attention is, however, requisite, and must be given, to secure correct and complete Returns, which will undergo the close scrutiny of the Court, and will be always referred to in the prepartion of the Annual Civil Report.

10th. A similar Statement will be kept by the Court, containing corresponding information regarding the judgments sent back for revision by order of the Sudder Dewanny Adawlut to the Judges and Principal Sudder Ameens.

M. SMITH,

Register.

Allahabad, 16*th April,* 1841.

* Including cases in which the Judge concurs in a remand on reference from a Principal Sudder Ameen under Circular Order, No. 1146, dated 14th June, and issued 5th July, 1839.

No. 4.

Return of judgments passed by the Principal Sudder Ameens, Sudder Ameens, and Moonsiffs of Zillah in the month of 184 , in which injunctions have been issued to the Lower Courts to revise the cases according to the Provisions of Act VII. 1838.

1	2	3	4	5	6	7	8	9	10
From what file sent back Judges or Principal Sudder Ameen's.	Name and official designation of Officer to whom remanded.	Judgment manifestly unjust.	Judgment at variance with the Regulations.	Judgment in opposition to the Hindoo or Mahomedan Law.	Judgment in opposition to any of the laws applicable to the case.	Judgment passed without sufficient investigation.*	Judgment grounded on assumptions irrelevant or erroneous with reference to the points at issue.	Total sent back for retrial.	Remarks.
From file of Judge.	.....	....							N. B.—Extract of the final proceeding in Urdu in each case, sufficient to show clearly the ground or grounds of remand, will invariably accompany this return.
From file of Principal Sudder Ameen according to Circular Order dated 14th June, 1839.	.....	....							

* It should be stated in the column of remarks how many of these cases were uninvestigated through the fault of the parties, and how many by the omission of the presiding Judge.

M. SMITH,
Register.

(No. 784.)

To the Civil and Criminal Authorities in the North-Western Provinces, including Saugor and Kumaon.

The Court of Sudder Dewanny and Nizamut Adawlut beg the attention of the various Officers to whom supplies of Stationery are furnished from the public stores for the use of their establishments, to some remarks made by the Military Board, and designed to check abuse, and induce greater economy in this branch of expenditure, in which it is notorious that great and wasteful outlay did, and, it is feared, still continues to prevail.

2. With a view to limit the consumption of material, and restrain it within moderate bounds, the Board notice that the quantity and size of paper to be used for letters ought to be apportioned in some sort to the extent of writing, instead of, as now, letters of a few lines being often written on a whole sheet of foolscap, three-fourths of which is mere waste.

3. Letters occupying only one page should be engrossed on half a sheet of foolscap; and those which extend to a few lines only on half a sheet of quarto post.

4. The practice of using Europe paper for envelopes [which the Court observe to prevail in the Saugor District] is deemed by the Board wasteful, and in every way unnecessary, inasmuch as country paper of various degrees of strength can always be

obtained. It should, therefore, be discontinued. The Court further suggest that for covers to bulky dispatches, such as Statements, " Misls" of cases &c., a strong and durable description of paper manufactured in the Kumaon hills be made use of. It is less brittle than the material in common use, cheap, and might be obtained, " on service," by communication with the Civil Authorities of that Province. It is, at the same time, to be noted, [though the rule is not always observed] that packets in excess of 10 Sicca weight are required to be packed in cloth.

5. The Board complain of the absence of an uniform plan or scale of expenditure to be observed by the same kind of Officers, as well as of any rule prescriptive of the forms of official Returns and Documents, and the size and quantity of papers to be used in compiling them, as constituting a great obstacle to such a regulation of the issue and expenditure of paper as may prevent waste on the one hand, or deficiency on the other, and they observe that " the demands made by the same description of Officers having similar establishments, and probably the same extent of duty to perform have often been so different both in the extent and kind of Stationery applied for, that to regulate or check the supply by this test has been found impossible."

6. To remedy this defect, the Board have suggested the issue by the Court of distinct rules prescribing the kind and size of paper to be used for every description of letter, Report or Return furnished to them, and the enforcement of strict attention to such rules. This, however, is doubtless an object of very difficult attainment. In these Provinces Lithographed Forms are used for most of the Periodical Returns and Statements, in which, with reference to the extent and variety of information contained in them, there does not appear to be any prodigal or needless use of paper; as regards other returns sent up in manuscript, it would be difficult to devise uniform rules for general application, but a very slight supervision by the head of the establishment would always suffice to check and suppress open and manifest waste, while the frequent changes of Officers from one District to another present good opportunities, to those who will give the matter the attention which it deserves, of exercising a more detailed and particular control by comparing the demand and outlay of different offices, and, when they have obtained a correct standard in one, regulating others of the same strength thereby.

7. The Court take the opportunity of noticing that Annual and Half Yearly *Criminal* Statements need no longer be furnished in *duplicate*, as was required by Circular Order, No. 176, dated 31st July, 1835, with a view to the submission of one set to Government, by whom, however, this has been since dispensed with.

8. In explanation of the principle on which retrenchments have been wont to be made by them the Board observe that this course has been chiefly induced by the omission of Officers to explain the grounds on which the various items of demand have been calculated, or to shew cause for a large supply being required: and that, accordingly, whenever they have noticed an excess over former supplies, they have considered it a duty, in the absence of explanation, to allow only a partial compliance.

9. The Court would not conclude without one remark, that, if the means of check possessed by them over this Department are confessedly indefinite and loose, it is the more imperative on the Local Authorities to support and strengthen their exercise of it by active co-operation and aid, without which the superintendence contemplated by the Government Order of 8th May, 1839, whereby the indents of Judicial Officers are required to be " checked" by the Court can be of very little practical effect.

M. SMITH,
Register.

Allahabad, 7th May, 1841.

Abstract.

Observations of Military Board communicated as to best means of introducing reform and economy in the expenditure of Stationery, and various points conduced to that end noticed by Court.

(No. 807.)

To the Civil Judges, in the North-Western Provinces.

The Court having had under consideration the unnecessary delay and additional trouble that are occasioned to the Zillah Judges and their Amlah, by the preparation of intermediate or "Meadee" Returns to precepts issued by this Court in the execution of their decrees, are pleased to direct that such Returns be entirely discontinued from the 1st June next.

Submission enjoined on Zillah Courts of Quarterly Returns of unexecuted decrees of the Sudder Dewanny Adawlut, and intermediate Returns to precepts issued in execution of such decrees dispensed with.

2. In order to enable the Court to exercise a proper Superintendence over this important department, and also to ascertain the exact progress made in the execution of their decrees, the Judges will submit a Return every quarter of the unexecuted decrees of the Court of Sudder Dewanny Adawlut to this Office, agreeably to the annexed form, both in English and in the Vernacular, commencing from the 1st July next. Full details must be given in the column appropriated to remarks, that the Court may at once see to what authority any unnecessary delay in the execution of their decrees is attributable.

3. Should any of the decrees of the Provincial Courts or of the Privy Council, be pending unexecuted in any District, the Judge should submit separate Quarterly Returns of these cases also.

M. SMITH,
Register.

Allahabad, 7th May, 1841.

Quarterly Return of the unexecuted Decrees of the Court of Sudder Dewanny Adawlut pending in the Zillah Court of on the 1st July, 1841.

Number of Zillah Register.	Number of the Sudder Suit and date of decision.	Number and date of the first precept.	Names of the Parties.	Substance of the Decrees.	Cause of Non-Execution.
1.....	No. 52 of 1839 Decided 15th January 1840.	No. 75, 6th March 1840.	Sahib Ali Khan, Appellant, *Versus* Tajooddeen Ahmud, Respondent and Decree-holder.	To put respondent in possession of Talooka Rampore with mesne profits for 10 years.	An Ameen was deputed on the 3rd April 1840, to ascertain the amount of mesne profits. In his last report of the 2nd May, he states, that in consequence of the death of the Putwareo he cannot proceed in his enquiries until the appointment of another with the Collector's sanction. Possession of the Talooka was given on the 20th March 1840.
2.....	No. 84 of 1839, Decided 4th February 1840.	No. 95, 7th May 1840.	Runjeet Sing, Appellant and Decree holder. *Versus* Goolab Rae, Respondent.	To realize the sum of 12,000 Rs. with interest and costs.	Execution was issued out on the 5th June, and given on the 28th August 1840, but the Respondent has not yet been apprehended.

(No. 889.)

To the several Zillah and City Judges, in the North-Western Provinces.

The printed Construction No. 1109, has ruled that the Circular Order dated 4th August, 1837, was only intended to apply to the Zillah and City Courts, and that consequently the copies of decrees of Principal Sudder Ameens, Sudder Ameens, and Moonsiffs destined to remain with the records of suits, are not required to be written on paper of European manufacture.

2. The Court having re-considered that part of the Construction cited which concerns Principal Sudder Ameens, it has been resolved, in consultation with the Sudder Dewanny Adawlut in Calcutta, to modify the same so far as to extend the rule of the Circular to that class of Officers, for the reasons urged by the Judge of Mynpooree in his letter quoted in the Construction; and it is, therefore, hereby enjoined that decrees of the Principal Sudder Ameens which are intended to remain with the record, be, in future, engrossed on European paper.

3. Decrees of Sudder Ameens and Moonsiffs, meant to be kept with the record, should be transcribed on the best description of country paper.

M. SMITH,
Register.

Allahabad, 21*st May,* 1841.

Abstract.

In modification of Construction No. 1109, copies of decrees meant to remain with the record to be engrossed, in Courts of Principal Sudder Ameens, on European paper.

(No. 986.)

To the Civil and Sessions Judges, and Magistrates and Joint-Magistrates in the North-Western Provinces.

The following instructions on the subject of Act XXIII. of 1840, are promulgated for general information, and for guidance, as occasion may require:

1st. Every process, Civil or Criminal, will be forwarded in an envelope to the address of the Deputy Sheriff of Calcutta, either by dawk, or by the hands of a Peon or other public Officer as may be most convenient, with a letter drawn up agreeably to the annexed form marked A.

2nd. Any money that it may be requisite to send to the Deputy Sheriff, will be remitted by a bill on the General Treasury from the Collector of the District.

3rd. All subordinate Judicial Officers will submit the processes of their Courts which may require execution under Act XXIII. 1840, to their European principal, to be by him forwarded in the prescribed manner to the Deputy Sheriff.

4th. All processes will be drawn up agreeably to the forms marked B. and C., or agreeably to such other forms as may from time to time be circulated by the Courts of Sudder Dewanny and Nizamut Adawlut.

5th. The party at whose requisition any witness may be summoned, must be prepared to pay to the witness such sum for his expences as the Judges of Her Majesty's Supreme Court may consider reasonable and proper.

6th. The Judges and Magistrates of the Zillah Courts will be careful that their own processes are drawn up correctly, and they will also ascertain that the processes of the Subordinate Courts, that may be forwarded to the Deputy Sheriff, are drawn up agreeably to these rules, and to the Acts and Regulations of Government.

M. SMITH,
Register.

Allahabad, 18th June, 1841.

A.

To the Sheriff of Calcutta.

1. I beg leave to enclose you a Notice* (to be served on the parties therein named) which I request you will have the goodness to present to the Judges of Her Majesty's Court agreeably to Act XXIII. 1840.

2. On your intimating to me the expenses of serving this process, the amount will be forwarded to you by a Bill on the General Treasury, and a person will attend hereafter (or a person accompanies this letter) to point out the parties.

Zillah ——— *Judge or Magistrate.*
January, 184

B.

CRIMINAL PROCESSES.

No. 1. Summons.

To Ramdhun Mistry, Inhabitant of Coolootullah in the Town of Calcutta.

Whereas a complaint has been preferred on the solemn declaration of Sheikh Rumzoo, inhabitant of Sealdah, in the 24-Pergunnahs, charging you with assault: you are hereby required to appear before the Magistrate (or the Principal Sudder Ameen, or Sudder Ameen) of the Zillah of the 24-Pergunnahs, on or before the 15th April, 1841, to answer to the said charge. Herein fail not. Dated the 2d day of April, 1841.

A. B.
L. S. *Magistrate.*

No. 2. Warrant with Bail.

To Mohumud Nazim, Nazir of the Foujdaree Court of the 24-Pergunnahs.

Whereas John Brown, inhabitant of Sealdah, stands charged on the solemn declaration of Rampersaud bearer, with assault attended with severe wounding, you are hereby directed to apprehend the said John Brown, and to require bail in the sum of 500 Rs. for his appearance, before the Magistrate of the said Court, on or before the 20th day of April, 1841: and if the said John Brown, shall not give the bail above stated, you are directed to bring him before the Magistrate of the said Court. Herein fail not. Dated this 4th day of April, 1841.

A. B.
L. S. *Magistrate.*

* Or a proclamation to be affixed to the outer door of the house in which the parties reside; or, a subpœna to be served on the witnesses therein named; or, a warrant to seize and apprehend the witnesses therein named, &c. &c. "Mutatis Mutandis."

No. 3. Warrant.

To Mohumud Nazim, Nazir of the Foujdaree Court of the 24-Pergunnahs.

Whereas Abdoollah Gareewan, inhabitant of Kuryah, stands charged on the solemn declaration of Peerbux, inhabitant of Sealdah, with the crime of murder: you are hereby directed to apprehend the said Abdoollah Gareewan, and to produce him before the Magistrate of the said Court. In this fail not. Dated the 5th day of April, 1841.

A. B.
L. S. *Magistrate.*

No. 4. Search Warrant.

To Mohumud Nazim, Nazir of the Foujdaree Court of the 24-Pergunnahs.

Whereas Ramdoolal, inhabitant of Manicktollah, hath made information and complaint on solemn declaration, that the following property, that is to say, two brass lotahs, one string of gold beads, and two pieces of long cloth, were stolen from his house situated in Manicktollah aforesaid, and that he suspects that the aforesaid property is concealed within the dwelling house and premises of Kokoor Chand Mug, inhabitant of Chore Bagan in the Town of Calcutta, you are hereby authorized and required, with the necessary and proper assistance, to enter into the said dwelling house and premises of the said Kokoor Chand Mug, in the day time, and if the said property shall be found therein, you are required to bring the property so found and also the person of the said Kokoor Chand Mug before this Court.

Given under my hand and the seal of the Court, this 6th day of April, 1841.

A. B.
L. S. *Magistrate.*

No. 5. Subpœna.

To Sheikh Peerbux, Inhabitant of Coolootullah in the Town of Calcutta.

Whereas your attendance is required to give evidence on behalf of Sheikh Miskin, inhabitant of Sulkeah, in a case of assault: you are hereby required personally to appear before the Magistrate (or the Principal Sudder Ameen) of the Zillah of the 24-Pergunnahs on the 6th day of April, 1841. Herein fail not. Dated 2d day of April, 1841.

A. B.
L. S. *Magistrate*

No. 6. Warrant for a Witness.

To Mohumud Nazim, Nazir of the Foujdaree Court of the 24-Pergunnahs.

Whereas Sheikh Peerbux, inhabitant of Coolootullah in the Town of Calcutta, was duly subpœnaed on the 4th day of April, 1841, to give evidence in behalf of Sheikh Miskin, inhabitant of Sulkeah, in a case of assault, and whereas the sum of 5 Rupees was tendered to the said Sheikh Peerbux for his expences as appears by the declaration of Sheikh Rumzoo Peada, who has also declared to the due service of the said subpœna: and whereas the said Sheikh Peerbux has neglected and refused to appear according to the exigence of the Subpœna: you are hereby directed to apprehend the said Sheikh

Peerbux and to produce him before the Magistrate of the said Court. In this fail not. Dated the 7th day of April, 1841.

A. B.
L. S. *Magistrate.*

No. 7. Proclamation for the Attendance of a Party charged with a Criminal Offence.

Proclamation of the Foujdaree Adawlut of Zillah 24-Pergunnahs.

Whereas Ramdhun, inhabitant of Sealdah, stands charged on the solemn declaration of Rumzoo, inhabitant of Sealdah, with the crime of Dacoity, and whereas a warrant was on the 7th day of April issued for his apprehension to answer to the said charge, and whereas from the report of Mohumud Nazim, Nazir, dated 12th April, 1841, it appears that the said Ramdhun has absconded or concealed himself so that the said process cannot be served upon him: Proclamation is therefore (in conformity to Section 4, Regulation XI. 1796,) hereby given, that if the said Ramdhun shall not appear to answer to the said charge on or before the 15th May, 1841, he will be subject to all the penalties of the aforesaid Regulation. Dated the 14th day of April, 1841.

A. B.
L. S. *Magistrate.*

No. 8. Recognizance of a Witness.

Whereas Sheikh Janoo, inhabitant of Sulkeah, has complained against Peru, inhabitant of Sealdah, charging him with assault, and I have been named as a Witness for the Complainant (or the Defendant) I hereby engage to appear before the Magistrate of the Zillah of the 24-Pergunnahs on or before the 12th day of April, 1841, for the purpose of giving evidence; in default whereof, I hereby further bind myself to pay such fine to Government, as the Magistrate may judge proper to impose on me, as well as any expenses that may be incurred, in consequence of my non-attendance, for compelling my appearance. In this I will not fail. Dated 7th day of April, 1841.

Sheikh Rumzan,
L. S. *Inhabitant of Durrumtolla, Calcutta.*

No. 9. Bail Bond for the Appearance of a Party charged.

Whereas Syfoo, inhabitant of Sealdah, stands charged with assault, and is required to appear before the Magistrate of the Zillah of the 24-Pergunnahs on or before the 5th April, 1841, to answer to such charge, I hereby bind myself to produce the said Syfoo before the said Magistrate on the date aforesaid; and to be answerable for his appearance until a final order be passed by the Magistrate upon the said charge, in default whereof, I further bind myself to forfeit to Government the sum of One Hundred Rupees. In this I will not fail. Dated this 5th day of March, 1841.

L. S. Peerbux.

C.

CIVIL PROCESSES.

No. 1. Summons.

In the Court of Dewanny Adawlut for the Zillah of Hooghly.

Ramdhun, of Byedbatty, Plaintiff, versus Sheikh Edoo, of Cossitolah, in the Town of Calcutta, defendant.

To Sheikh Edoo, of Cossitolah, in the Town of Calcutta.

Take notice, that Ramdhun, of Byedbatty, has instituted a suit against you in this Court (or in the Court of the Moonsiff of Byedbatty, or in the Court of the Sudder Ameen of this distrct,) for the recovery of Three Hundred Rupees: you are therefore required agreeably to Regulation II. of 1806, to acknowledge the receipt of this notice, and further to attend in person, or by Vakeel, and to deliver an answer to the plaint on or before the 22d of April, 1841.

Given under my hand and the seal of the Court, this 5th day of April, 1841.

A. B.

L. S. *Judge.*

No. 2. Proclamation for the Attendance of the Defendant.

In the Court of Dewanny Adawlut for the Zillah of Hooghly.

To Sheikh Edoo, of Cossitolah, in the Town of Calcutta.

Whereas Ramdhun, of Byedbatty, has instituted a suit against you in this Court (or in the Court of the Moonsiff of Byedbatty, or in the Court of the Sudder Ameen of this district,) for the recovery of Three Hundred Rupees; and whereas a notice was duly issued, requiring you to attend and to deliver an answer to the plaint on or before the 22d day of April, 1841, and whereas it appears from the return of the Nazir (or from the return of the Deputy Sheriff of Calcutta) that after diligent search, you were not to be found, and that the said notice was not served upon you according to the exigence thereof. Proclamation therefore is hereby made agreeably to Regulation II. of 1806, that if you do not appear in person or by Vakeel on or the 15th day of May, 1841, the Court will proceed to try the cause ex-parte, and give judgment as if you had appeared, and answered to the plaint.

Given under my hand and the seal of the Court, this 25th day of April, 1841.

A. B.

L. S. *Judge*

No. 3. Subpœna.

In the Court of Dewanny Adawlut for the Zillah of Hooghly.

Ramdhun, of Byedbatty, Plaintiff, versus Sheik Edoo, of Cossitolah, in the Town of Calcutta, defendant.

To Baboo Ramdass, of Cossitolah, in Calcutta.

Whereas your attendance in required to give evidence on behalf of the Plaintiff (or of the Defendant) in the above cause, you are hereby required personally to appear before this Court (or before the Court of the Moonsiff of Byedbatty) on the 2d day of June, 1841, for that purpose.

Given under my hand and the seal of the Court, this 27th day of May, 1841.

A. B.

L. S. *Judge.*

No. 4. Warrant for the Apprehension of a Witness.

To Mohumud Ally, Nazir of the Court of Dewanny Adawlut for the Zillah of Hooghly.

Whereas Baboo Ramdoss of Cossitolah, in the Town of Calcutta, was duly subpœnaed on the 29th day of May, 1841, to give evidence on behalf of Ramdhun of Byed-

batty, Plaintiff, and whereas the sum of Ten Rupees was tendered to the said Baboo Ramdoss for his expences, as appears by the declaration of Sheikh Mungloo Peada, who has also declared to the due service of the said subpœna, and whereas the said Baboo Ramdoss has neglected and refused to appear according to the exigence of the subpœna: you are hereby directed to apprehend the said Baboo Ramdoss, and to produce him before the Judge of the said Zillah (or before the Moonsiff of Byedbatty in the said Zillah). In this fail not. Dated this 10th day of June, 1841.

A. B.

L. S. *Judge.*

No. 5. Warrant for Security to be furnished by a Defendant.

To Mohumud Ally, Nazir of the Court of Dewanny Adawlut for the Zillah of Hooghly.

Whereas Moonshee Khyroollah has instituted a suit in this Court against John Smith for the recovery of Twelve Hundred Rupees, and whereas the said Moonshee Khyroollah has satisfied the Court by sufficient proof, that the said John Smith intends to abscond and to withdraw himself from the jurisdiction of the Court: you are therefore hereby authorized and required to demand good and sufficient security in the sum of Fifteen Hundred Rupees from the aforesaid John Smith for his personal appearance before this Court, and in the event of the said John Smith not giving good and sufficient security as aforesaid you are further authorized and commanded to take the said John Smith into custody and to bring him before this Court.

Give under my hand and the seal of the Court, this 10th day of May, 1841.

A. B.

L. S. *Judge.*

No. 6. Security Bond to be executed by a Defendant.

Whereas a suit has been instituted in the Dewanny Adawlut of the Zillah of Hooghly by Moonshee Khyroollah, plaintiff, against John Smith, defendant, and whereas I Ram Mohun Mullick, inhabitant of Sealdah in the 24-Pergunnahs, have voluntarily become security for the appearance of the said defendant to answer to the said suit and perform all such orders as may be passed thereupon until the final decree on it shall have been carried into execution, I do therefore hereby engage and bind myself, my heirs and executors, that the said defendant shall appear in person or by Vakeel to make answer to the plaint against him in the suit aforesaid, on or before the 20th day of May, 1841; and further that the said defendant shall personally attend in the said Zillah Court whenever the same may be required by the Judge thereof at any time whilst the above suit is depending before the Zillah Court, or before the final decree which may be passed thereupon by the above Court shall be fully and completely carried into execution; in default of which, and in the event of my not producing the said defendant when called upon, I will be answerable for such sum as may be adjudged against him, and for the due performance of whatever order or decree may be passed against him on the suit abovementioned: provided the same does not exceed the sum of Fifteen Hundred Rupees. Dated this 25th day of June, 1841.

Sealed and delivered in the presence of A. B. and C. D. } Ram Mohun Mullick.

No. 7. Writ of Sequestration.

To Mohumud Ally, Nazir of the Court of Dewanny Adawlut of Zillah Hooghly.

Whereas Sheikh Syfoo has instituted a suit in this Court against Ram Sohaee Singh for the recovery of Ten Thousand Rupees, and whereas the said Sheikh Syfoo has satisfied the Court by sufficient proof that he has just ground to apprehend that the said Ram Sohaee Singh means to dispose of his property whilst the suit against him is pending, for the purpose of avoiding the execution of an eventual judgment against the said Ram Sohaee Singh: you are therefore hereby authorized and required to demand good and sufficient security from the aforesaid Ram Sohaee Singh in the sum of Twelve Thousand Rupees to make good the ultimate decision of the Court, and in the event of the aforesaid Ram Sohaee Singh not giving good and sufficient security within the period of 24 hours: you are hereby further authorized and commanded to attach and sequestrate any lands, goods and effects, or other property belonging to or possessed by the said Ram Sohaee Singh to the amount of Twelve Thousand Rupees, and to hold the same under attachment and sequestration until a final decision be passed by this Court.

Given under my hand and the seal of the Court, this 15th day of June, 1841.

A. B.

L. S. *Judge.*

No. 8. Writ of Execution against the Person.

To the Nazir of the Court of Dewanny Adawlut for the Zillah of Hooghly.

Whereas Munsaram was directed by a decree of this Court under date the 15th day of May, 1841, to pay to Edoo Sheikh the sum of Rs. 500, and 50 Rs. for costs of suit amounting to Rs. 550, and whereas the said Munsaram having notice of the said decree, has omitted to liquidate the same: These are therefore to command you to apprehend the said Munsaram; and unless the said Munsaram, shall pay to you the said sum of Rs. 550 in satisfaction of the said decree, and costs, and the sum of 10 Rs. for the costs of executing this process, to produce him before this Court to be dealt with according to law.

Given under my hand and the seal of the Court, this 2d day of June, 1841.

A. B.

L. S. *Judge.*

No. 9. Writ of Execution against the Effects.

To the Nazir of the Court of Dewanny Adawlut for the Zillah of Hooghly.

Whereas Cossinauth was directed by a decree of this Court under date the 15th June, 1841, to pay to Mohumud Ally the sum of Rs. 5000, with interest at 12 per cent per annum, to the day of payment, which to this date amounts to Rs. 33, 5, 8, and 500 Rs. for costs of suit amounting to Co.'s Rs. 5533, 5, 8, and whereas the said Cossinauth having had notice of this decree, has omitted to liquidate the same: These are therefore to command you, to levy the said sum of Co.'s Rs. 5533, 5, 8, and the sum of 100 Rs. for the costs of executing this process by distress and sale of the lands, goods and chattels, of the said Cossinauth, and you are hereby ordered and directed, to distrain the lands, goods and chattels of the said Cossinauth; and to sell and dispose of the same, within (not less than thirty days,) unless the sum of Co.'s Rs. 5633, 5, 8,

for which such distress shall be made, together with the reasonable charges of taking and keeping such distress shall be sooner paid, and you are hereby commanded to certify to me what you shall do by virtue of this warrant.

Given under my hand and the seal of the Court, at Hooghly, this 2nd day of June, 1841.

A. B.
Judge.

L. S.

(No. 1077.)

To the several Zillah and City Judges, in the North-Western Provinces.

Judges to require from Ameens, appointed under Circular of 10th February, 1837, Monthly Statements of work done by them, to supply a check upon the acts of those Officers, and to prevent more being employed than are needed.

It is desirable that increased attention be given to the proceedings of the Ameens appointed, under Circular Order, No. 197, dated 10th February, 1837, to ascertain that they perform their duties with efficiency and promptitude, and that no greater number of Ameens are employed in each District than the amount of business actually requires. In these several points inquiry will probably shew the existence of considerable irregularity and abuse.

2nd. To provide some check over the acts of these persons, the Judges will be pleased to require from them a Monthly Statement, shewing how they have been employed each day, the work assigned to them from time to time, and the period within which it is disposed of. A cursory inspection of this statement (which is not required to be submitted to the Court) will indicate the degree of attention paid by the Ameens to their duty, and whether the number of those Officers is in excess of, or equal, or inadequate to, the demand of the District for their services, and will enable the Judges to proceed accordingly.

3rd. The Court take the opportunity of observing, that it has been ruled that Ameens appointed under the above Circular, viewed as Ministerial Officers of the Civil Court, may be dismissed from office for such gross neglect, or other misconduct as may appear to call for such a measure, by the Zillah Judge of his own authority, without reference to the Court, subject of course to the appeal allowed by law.

4th. Certain anomalies in the constitution of the office of Ameen, in respect to the remuneration allowed for the performance of the duties appertaining thereto, especially in instances where property may have been attached and taken care of by an Ameen, and trouble and expense incurred by him on that account, but in which no sale ultimately takes place, or consequent source of compensation is apparent, are, under the consideration of the Court, with a view to the preparation of some fixed rule to meet the point; but, in the mean time, this preliminary Circular will call the attention of the Judges to the subject.

M. SMITH,
Register.

Allahabad, 2nd July, 1841.

(No. 1112.)

To the several Zillah and City Judges, in the North-Western Provinces.

The Circular Order, No. 807, dated 7th May, and published in the Agra *Government Gazette* of 1st June last, having omitted to make specific reference to cases of

Rule of Circular Order No. 807, dated 7th May, and published in *Government Gazette* of 1st June last, stated to be applicable to Principal Sudder Ameens as regards cases before them of the kind described.

unexecuted decrees of the Sudder Dewanny Adawlut before the Principal Sudder Ameens, in which precepts are wont to issue direct from the Court to those Officers, the Court, in continuation of the above Circular, are pleased to notify that the same rule enjoining the submission of Quarterly, and dispensing with intermediate Returns, is applicable to the Principal Sudder Ameens, who are to transmit the requisite information to the Judge in the prescribed form, in time for its incorporation in English in the Statement ordered to be sent up quarterly by the latter.

M. SMITH,
Register.

Allahabad, the 16th July, 1841.

(No. 1250.)

To the several Zillah and City Judges, in the North-Western Provinces.

The Court desire that Judges will call the particular attention of the Moonsiffs of their districts to the rule in Clause 2, Section 21, Regulation XXIII. 1814, requiring them, before trying a case 'exparte,' to ascertain the fact of due service of process on the defendant by inquiries from the person who served it, and from the witnesses of such service (it being declared imperative, by Construction, No. 775, that the evidence of witnesses to the service besides the peadah serving it, should be taken in every instance); as the Court have reason to believe, that the above requirement of the Law is not, in some Districts, duly observed.

Moonsiff's attention ordered to be called to requirement of Clause 2, Section 21, Regulation XXIII. 1814, as construed by Construction No. 775.

M. SMITH,
Register.

Allahabad, 30th July, 1841.

(No. 1309.)

To the several Zillah and City Judges, in the N. W. P., Commissioners of Kumaon and Saugor, and Political Agent of Subathoo.

With reference to a recent instance in which a Moonsiff was attacked and wounded in open Court by a Muzkooree Chuprasee of his establishment, the Court, in extension of the Circular Order of the Nizamut Adawlut cited in the margin, to the Civil department, are pleased to direct that proper measures be adopted to prevent, in future, the ingress of all persons wearing arms, excepting guards on duty, into the Civil Courts.

No. 172, 12th June 1835.
" 7th August, 1834.
Entry prohibited of persons wearing arms, except guards on duty, into Civil Courts.

2nd. This Rule will be duly explained by the Judges to the subordinate Judicial Officers under their control.

M. SMITH,
Register.

Allahabad, 6th August, 1841.

(No. 1321.)

To the several Zillah and City Judges, in the North Western Provinces.

To correct erroneous practices, wherever they may be found to prevail, in certain points connected with the procedure of the Moonsiff's Courts, the Court deem it expedient to promulgate, for general information, certain constructions, as follow:

Certain Rules circulated for information of Moonsiffs and the public, dispensing with the use of stamp paper in various writings specified, presented in the Courts of those Officers.

2nd. Construction, No. 798, declares that "as by Clause 2, Section 9, Regulation V. 1831, pleadings, applications for filing exhibits, and for the attendance of witnesses, and copies of decrees in suits tried by Moonsiffs, need not be written on stamp paper, the Court are of opinion that petitions presented to Moonsiffs, under Section 7, Regulation VII. of 1832, for the execution of their decrees, as well as wukalutnamahs filed in cases before them, should be received on plain paper." The same Rule is repeated in Construction No. 950.

3rd. Under Construction, No. 706, petitions presented in the Moonsiffs' Courts agreeably to Clause 4, Section 6, Regulation V. 1831, are not required to be written on stamp paper.

4th. By Circular Order, dated 3rd August 1838,* razeenamahs filed in the Moonsiffs' Courts, whether in regular suits or in cases of execution of decrees, are allowed to be written on plain paper.

5th. It was ruled by the concurrent opinion of the two Courts on 26th June 1840, that petitions of parties objecting to the sale or transfer of property in execution of Moonsiffs' decrees may be received by those functionaries on plain paper.

6th. The Court, at the same time call attention to the fact of the above rules equally applying, under Section 5, Act No. XXV. 1837, to suits within a Moonsiff's competency to decide, which may be referred for trial by the Judge to a Sudder Ameen, or Principal Sudder Ameen, who, in such cases, are to be guided thereby.

7th. The Judges are requested to make these rules known to the several Judicial Officers of their Districts, who will be directed to alter any practice at variance with them that may be found to obtain in their Courts.

M. SMITH,
Register.

Allahabad, 13th August, 1841.

(No. 1397.)

To the several Zillah and City Judges, in the North-Western Provinces.

Much delay taking place and inconvenience being sustained by the omission of decree holders to specify, in the petition presented by them to the Civil Courts suing out execution of their decrees, the various particulars enjoined in Clause 6, Section 15, Regulation XXVI. 1814, the Court are pleased to promulgate the following Rules of practice for general information, and to direct that the Judges forward a copy of them to each of the subordinate Courts of their respective Districts, with instructions to make them as public as possible.

Rules prescribed for the preparation of petitions presented to the several Civil Courts suing out execution of decrees.

2. It is to be explained that the Rules have equal application to petitions suing out execution of decrees of the Sudder Dewanny Adawlut, the Zillah, and the inferior Courts.†

* No. 10 of Vol. III. Part I.

† Clause 4, Section 15, Regulation XXVI. 1814, Section 22, Regulation V. 1831, Section 7, Regulation VII. 1832.

RULES.

Whereas the Rule in Clause 6, Section 15, Regulation XXVI. 1814, requiring the statement of certain particulars by decree holders in the petitions suing out execution of their decrees presented to the several Courts, is not generally observed, and its enforcement is requisite, the following instructions are promulgated for general information by the Court, and any petition hereafter presented otherwise than in conformity thereto, will be put into the office without any further order recorded on it.

1. Every decree holder desirous of suing out execution of his decree, whether a pauper or otherwise, must write his petition on paper of the value prescribed for the Court by which the decree may have been passed, viz. in the Moonsiff's Court on plain paper, in the Sudder Ameen's, Principal Sudder Ameen's, and Zillah Courts on eight anna stamp, and in the Sudder Dewanny Adawlut on paper value 2 Rupees.

2. Each petition suing out execution is to have written, at its head, a tabular statement according to the form, and containing the particulars, noted below:—

Tabular Form to be given at the head of every petition suing out execution of a decree.

1	2	3	4	5	6	7*	8
Number of the suit.	Names of the parties.	Date of the decree.	Subject of decree, that is thing decreed.	Appeal preferred or admitted from the decision.	Any and what adjustment of the matter in dispute since the decree.	Statement of the specific amount due to the Petitioner under the decree.	Name of the individual against whom the enforcement of the decree is asked.
1	Setaram, Plaintiff, Appellant, a Ramsahaee, &c. Defendants, respondents.	1st Jany. 1841.	Possession of Mouzah Ramnuggur, &c. with mesne profits or Rupees 2,000 principal and interest.	Not appealed.	No adjustment.	3,200 Rupees.	Ramsahaee, Pershadee Loll, &c.

3. When the decree holder may move for the issue of process of arrest against the opposite party, he will mention in the body of the petition presented to the local Court (whether the Court by which such decree may have been passed, or to which its execution may be referred) the residence of such party, and where the process of arrest is to be issued. When he may move for the sale of property, a schedule of the property, and where it is to be found, must be given at the foot of the statement, as well as the boundaries of any house, garden, or tract of land included in the schedule.

M. SMITH,
Register.

Allahabad, 20th August, 1841.

(No. 1414.)

To the several Zillah and City Judges in the North-Western Provinces.

The Construction, No. 859, having been under the consideration of the Courts of Sudder Dewanny Adawlut for the Lower and North-Western Provinces, is hereby res-

* At the foot of the petition the different items, of which the specific amount entered in column 7 is composed, whether on account of principal, interest, costs of suits, mesne profits, or otherwise, should be given in detail, with a specification of the dates from and to which interest or mesne profits may be claimed: in short, all such particulars as may elucidate the amount of the claim, and, in the event of any objections being taken to such amount by the opposite party, may tend to bring the matter in dispute to a distinct issue with a view to its speedy determination.

Rescission of one Construction and modification of another, relative to applicability of Sections 10 and 12, Regulation XXVI. 1814, to Courts of Principal Sudder Ameens, and Sudder Ameens but not of Moonsiffs.

cinded, and it is hereby declared, in modification of Construction, No. 1226, that sections 10 and 12, Regulation XXVI. 1814, are applicable to the Courts of the Principal Sudder Ameens, and Sudder Ameens but not to those of the Moonsiffs.

2. The purport of this Circular is to be explained to the several Uncovenanted Judges.

M. SMITH,
Allahabad, 20th August, 1841. *Register.*

(No. 1415.)

To the Civil and Sessions Judges, in the North-Western Provinces.

The Court publish the following rules, determined on by the Courts of Sudder Dewanny and Nizamut Adawlut of the Lower and Western Provinces in concert, with the sanction of Government, for devolving on the Head Clerk of the Zillah Judges's establishment certain unimportant duties hitherto performed by the Judge, with a view to the relief of the latter Officer.

Rule for relief of Civil and Session Judges, by empowering them to employ, at discretion, their Head Clerk in certain unimportant duties now done by the former.

2. The Judges are empowered, at their discretion, to employ their Head Clerk in the following duties:

Attesting copies of decrees and other documents, granted to parties on stampt or plain paper under the Judge's orders.

Attesting copies of proceedings sent to the local authorities, and to other Districts uuder the Judge's orders.

Registering in English the Mooktarnamahs, and preparing them for the Judge's attestation.

3. As a needful precaution against error and abuse, it is, at the same time, ordered that the head Clerk, when entrusted with such duties at the discretion of the Judge, is never to attach his signature to any document without its correctness having been previously attested and certified by the head ministerial Native Officer of the Judge's Court.

M. SMITH,
Allahabad, 25th August, 1841. *Register.*

(No. 1517.)

To the several Zillah and City Judges in the North-Western Provinces.

The following rules of practice, which have been established by the Courts of Sudder Dewanny Adawlut for the Lower and Western Provinces, in concert, are published for the information and guidance of all the Local Courts.

Rules for guidance of Local Courts, in cases where petition of plaint is written on inadequate stamp, or where Plaintiff's valuation may be objected to by Defendant.

Rules for the guidance of the Zillah and inferior Courts, regarding cases in which the petition of plaint has been written on a stamp of inferior value, or in which the Defendant may object to the Plaintiff's valuation of the contested property.

I. In the event of its coming to the knowledge of the Court of original jurisdiction or appeal, that the plaint in any suit has not been written on paper of the proper value, the Court, in which the error may be detected, shall proceed under Clause 1, Section 7, Regulation XXVI. of 1814; either non-suiting the Plaintiff, should any fraud be apparent, or permitting him to file a duplicate of the plaint, should no fraudulent intent be presumable.

II. When the error of valuation in the original suit may be discovered in appeal, the Appellate Court, if the more indulgent process is determined on, shall return the plaint and the decree, retaining the case on the file, to the lower tribunal, for the purpose of having a duplicate plaint filed, and the necessary alteration made in the costs; and on the return of the documents, shall then proceed to dispose of the appeal on its merits.

III. In suits of the nature described in Clause 4, of the note to Article 8, Schedule B. Regulation X. 1829, the objections of the Defendant to the Plaintiff's valuation of the property sued for, as well as any other objections relative to the value of the stampt paper on which the plaint is written, must be brought forward in his answer to the plaint; and no such objections can be urged, as a matter of right, by the Defendant at a subsequent stage of the case, either in the Court of original jurisdiction or appeal; nor shall the question of inferior valuation of the property sued for, be triable by the appellate Court, except upon summary or regular appeal from the order of the inferior Court on that particular point, when the appellate tribunal shall proceed agreeably to Clause 2, Section 7, Regulation XXVI. 1814, should no fraudulent intention be apparent.

M. SMITH,

Allahabad, 3rd September, 1841. *Register.*

(No. 1554.)

To the several Zillah and City Judges, in the North-Western Provinces.

References to Government concerning Principal Sudder Ameens and Sudder Ameens to be made henceforward through the Sudder Dewanny Adawlut.

The changes effected in the constitution of the office of Principle Sudder Ameen, and Sudder Ameen since the enactment of Regulation V. of 1831, having tended to devolve the bulk of the arrangements relative to those functionaries on the Sudder Dewanny Adawlut, it is considered desirable by Government that all references on the part of the Judges concerning Sudder Ameens and Principal Sudder Ameens, under Section 26, Regulation V. of 1831, or otherwise, instead of being made to the Government direct, be henceforth submitted through the channel of the Court.

2. The Judges are requested to act upon this rule in future.

M. SMITH,

Allahabad, 3rd September, 1841. *Register.*

(No. 1639.)

To the Civil and Sessions Judges, and Magistrates and Joint-Magistrates, in the North-Western Provinces.

Supplementary to Circular Order. No. 986, dated 18th June, and published in the Gazette of 6th July last, relative to processes under Act XXIII. 1840, the Court

Form of notice of execution published in continuation of Circular Order dated 18th June last, relating to processes under Act XXIII., 1840.

publish the following form, No. 10, of notice of execution, for service on defendants against whom decrees may be passed ex-parte.

M. SMITH,
Register.

Allahabad, 10th September, 1841.

(No. 10.)

Notice of Execution.

In the Court of Dewanny Adawlut, for the Zillah of Nuddea.
Mirza Gholaum Furreed,.. *Plaintiff,*

VERSUS

Rammohun Chootyar, and Bheem Chootyar, son and heir of Bindabun Chootyar, of Baugh Bazar, in the town of Calcutta,.. *Defendants.*

To RAMMOHUN CHOOTYAR & BHEEM CHOOTYAR, *of Baugh Bazar, in the town of Calcutta.*

Take notice that an ex-parte decree was passed against you on the 7th day of August 1839, in favor of Mirza Gholam Furreed, Plaintiff, by the Moonsiff of Hunrah in this District, for the sum of Company's Rupees forty-five, three annas, and six gundas, including costs and interests to the 7th of May 1841.

You are therefore required, agreeably to Clause 8, Section 15, Regulation XXVI. of 1814, to acknowledge the receipt of this notice, and further to attend in person or by Vakeel, on or before the fifth day of August 1841, and shew sufficient cause to the satisfaction of the Court why the said decrees should not be executed against you.

Given under my hand, and the seal of this Court, this 9th day of July 1841.

A. B.,
Judge.

No. 1691.

To the several Zillah and City Judges, in the North-Western Provinces.

The Rule laid down in Circular Order, No. 933, dated 8th May 1840, relative to the proper authority for disposing of claims to property advertised for sale in execution of a decree, but situated in a jurisdiction other than that in which the decree was passed, not having been expressly declared applicable to the subordinate, as well as the Zillah Courts, it has been deemed proper by the Courts of Sudder Dewanny Adawlut for the Lower and Western Provinces, with a view both to uniformity of practice, and convenience, to extend it to the inferior tribunals, and such extension is hereby notified accordingly.

2. The subordinate Courts will be guided, as to the mode of acting upon the Circular referred to, by the principle of Construction, No. 1235, the Principal Sudder Ameens and Sudder Ameens forwarding the application with a proceeding under their seal and signature, to the Judge of the Zillah or City Court, within whose jurisdiction

the property lies, while the Moonsiffs will send it through the channel and under the signature of the Judge of their own district.

3rd. The purport of this Circular is to be explained by Judges to the Courts subordinate to them respectively.

M. SMITH.

Allahabad, 24th September, 1841. *Register.*

ABSTRACT.

Circular dated 8th May, 1840, regarding authority for disposing of claims to property advertized for sale in a jurisdiction other than that where the decree was passed, declared to be extended to Native Courts.

(No. 1727.)

To the several Zillah and City Judges in the North-Western Provinces, and to the Commissioner of Kumaon and Political Agent of Subathoo.

The column for explanations in the statements of unexecuted decrees' called for under the Circular Orders, No. 807, dated 7th May, and 1112 dated 16th July last, has not been filled up, in many instances, in such a manner as to shew the successive steps taken by the authorities to give effect to the decrees of the superior Courts. To facilitate the preparation of the statements in a satisfactory manner, the Court are pleased to direct that a Register Book be kept in future by the "decree-jaree" Mohurir of the Judge's and Principal Sudder Ameen's Courts, in which an abstract of all orders shall be entered at the time they are passed, and the results of the orders similarly recorded.

Maintenance of Register Book enjoined in Judge's and Principle Sudder Ameen's Office, for furtherance of the object of Circular Orders dated 7th May and 16th July 1841.

M. SMITH,

Allahabad, 1st October, 1841. *Register.*

(No. 1779.)

To the several Zillah and City Judges, in North-Western Provinces.

The Court having observed a very general and increasing disregard of the rule contained in Circular Order, No. 178, dated 29th July 1836, which requires that, in despatching the record of causes appealed to the Court, the original depositions of witnesses and the exhibits filed by the parties, respectively, be forwarded in a separate cover under seal, each packet being properly endorsed, and accompanied by a list of its contents, and by a certificate of the actual state of the exhibits at the time of filing, deem it necessary to call the particular attention of the Judges to the Circular instructions referred to, and to intimate that any deviation which may in future be observed from this important rule, which by the Circular is also made applicable to the subordinate Courts, will be visited with serious notice by the Court.

Attention of Civil Authorities called to Circular Order, dated 29th July 1836, in respect to the mode of forwarding original exhibits, &c. in appealed suits.

M. SMITH,

Allahabad, 8th October, 1841. *Register.*

(No. 1780.)

To the several Civil and Criminal Authorities in the North-Western Provinces.

Notification made of order of Hon'ble Court of Directors in prohibition of maintenance in public offices of unauthorized funds.

Under instructions from Government, the Court notify, for general information, that the Hon'ble the Court of Directors have prohibited the creation and maintenance of unauthorized funds in the public offices, through the means of fines, or from deductions made from the pay of establishments; and have directed that sums thus accruing should be carried to the credit of Government.

M. SMITH,
Register.

Allahabad, 8th October, 1841.

No. 1861.

To the several Civil and Session Judges, and Magistrates and Joint-Magistrates, in the North-Western Provinces.

As a further supplement to Circular Order, No. 986, dated 18th June, and published in the *Gazette* of 6th July last, relative to processes under Act No. XXIII. of 1840, the Courts publish the following form, No. 11, of notice for the appearance of the heirs of deceased parties.

M. SMITH,
Register.

Allahabad, 15th Oct. 1841.

ABSTRACT.

Form of notice for appearance of heirs of deceased parties, published in continuation of Circular Order, dated 18th June last, relating to processes under Act XXIII. of 1840.

(No. 11.)

In the Court of Dewanny Adawlut, for the Zillah of ————

A. B. ——— *Plaintiff* or *Appellant.*

VERSUS

B. C. ——— *Defendant* or *Respt.*

Whereas it appears from the return of the Nazir of this Court, (or petition, &c. as the case may be) that A. B. Plaintiff in the above case has deceased, notice is hereby given, that the heirs of the late A. B. are required and directed to attend in this Court within ——— from the —— day of ——— and prove their right and title to succeed to the estate of the said A. B. deceased. Given under my hand and the seal of this Court, this ——— day of ——— 1841.

E. F.

Judge.

L. S.

(No. 1916.)

The Courts of Sudder Dewanny Adawlut, for the Lower and Western Provinces, request that the authorities subordinate to them respectively will correct printed Construction 1262 in manner following: erase with a pen the words contained in parenthesis, viz. (not exceeding 200 Rupees) also the marginal citation of —— 1825 Regulation XII., Section 6, Clause 2.

M. SMITH,
Register.

Allahabad, 30th October, 1841.

(No. 2041.)

The Courts of Sudder Dewanny Adawlut for the Lower and Western Provinces are pleased to prescribe the following alteration in Circular Order, No. 1517, dated 3rd September last, and published in the Government Gazette of 21st idem. Rule II, line 1. For " error of valuation," read "error in the value of the stamp."

M. SMITH,
Register.

Allahabad, 26th November, 1841.

(No. 8.)

To the Zillah and City Judges, in the North-Western Provinces.

Insertion enjoined on Judges of date of receipt of applications for certificates of character under Rule 2 of 4th Augt. 1840.

The Judges are requested to note on every application for a certificate of character which may be presented to them by persons desirous of becoming Candidates for the office of Moonsiff, under the second of the Rules passed by Government on the 4th August 1840, the date of receipt of such application, which may be recorded immediately beneath the application, and above the tabular form.

M. SMITH,
Register.

Allahabad, 1st January, 1842.

(No. 17.)

To the Zillah and City Judges, in the North-Western Provinces.

Rules for defining the control exercisable by the Zillah Courts and Sudder Dewanny Adawlut in the matter of the Ministerial establishments of the Lower Courts.

With a view of defining the " general control" of the Zillah and City Judges, and Court of Sudder Dewanny Adawlut, to which arrangements, connected with the Ministerial Officers of the Courts of Moonsiffs, Sudder Ameens and Principal Sudder Ameens are, by Section 12, Act No. XXV. 1837, declared to be subject, and of indicating the occasion. and mode of its exercise in a precise and uniform manner, the Courts of Sudder Dewanny Adawlut, for the Lower and Western Provinces, have been pleased to establish the following rules.

1st. The general power of control contemplated by Act No. XXV. 1837, Section

12, having been interpreted by Circular Order, dated [Lower Provinces 5th September and Western Provinces 5th October 1838,] to include the duty of preventing improper appointments, as well as unjust dismissals of Ministerial Officers of the Native Courts, and to invest the Judges with power to receive appeals from dismissed Officers, and direct their restoration, if deemed expedient, the Court have resolved that in order to the due and efficient exercise of such preventive and restraining power a more certain and definite knowledge by the Judges of the Acts of the subordinate Courts in this Department, than can be afforded by mere occasions of appeals is necessary.

2nd. It is accordingly notified, that, for the future, it shall be incumbent on Moonsiffs, Sudder Ameens and Principal Sudder Ameens to report all appointments, dismissals and changes of the Ministerial Officers of their Courts for the information of the Judge to whom they may be subordinate.

3rd. On reporting any new appointment on their establishment, the Native Courts will submit to the Judge the following form:

Name of person appointed.	Place of residence.	Age and Caste.	Office to which appointed and how vacant.	Whether ever in public employ before, and where.

Reports of changes from one situation to another on the same establishment will always be accompanied by a brief statement of the reasons for which they are made.

Report of dismissals will include a recital of the precise nature of the fault committed, and the reasons for considering the removal of the Officer necessary.

Resignations will also be reported with the ground assigned for the step.

M. SMITH,

Allahabad, 1st January, 1842. *Register.*

(No. 117.)

To the Civil Authorities in the North-Western Provinces.

The Court are pleased to circulate the following directions regarding the duties and remuneration of Ameens, in continuation of Circular Order, No. 1077, dated 2d, and published in the *Agra Gazette* of 27th July last.

2. The duties on which the Civil Courts are empowered, by Circular Order of 10th February, 1837, to employ Ameens, are detailed in Sections 50 to 53 of Regulation XXIII. 1814, and may be classed under three heads:—

1st. The investigation of accounts in Revenue or mercantile transactions; regarding the boundaries of lands or houses; regarding the right of way in roads or pathways; regarding any right in forests, commons, rivers, lakes, ponds, wells, reservoirs, or water-courses, regarding the quantity aud description of land and rent to which it is liable, and generally, all questions of local rights and usages, which cannot be ascertained by reference to the Collector's records, and cannot conveniently be decided without an enquiry on the spot.

2nd. The delivery of formal possession of lands, houses, or other real property in conformity with decrees or orders of Court.

3rd. The attachment and sale of houses, gardens, orchards or small portions of "lakhiraj" land, as well as of personal property, for the purpose of realizing the amount of fines or of decrees or other orders of Court, and

4th. Enquiring into and reporting on the sufficiency of securities, and the indigence of persons suing in formâ pauperis.

3. As regards the last class of duties it has been ruled by construction 1078 that no fees can be levied for the remuneration of the Ameen, in cases in which he may be employed in investigating the sufficiency of securities tendered to the Sudder Dewanny Adawlut or Zillah Courts, or in enquiring into the circumstances of parties desiring to sue as paupers, and that, therefore, if the employment on those duties of persons who do not receive any fees should be deemed objectionable, the Judges may, as heretofore, confide the duty to the Nazir or to the Moonsiffs. The latter course, it is to be presumed, would be always followed, the gratuitous use of the services of an unsalaried agent, dependant for livelihood on the commission he may receive for work performed, being obviously improper.

4. As respects the two first classes of cases, the Court consider that no better rule for the Ameen's remuneration can be adopted than that contained in Clause 2, Section 51, Regulation XXIII. 1814, cited in the margin.* The law no where fixes the specific amount of remuneration to be paid to the Ameens under the rule above referred to, but merely directs that the Court shall order such sum to be paid to the Ameen as may be thought reasonable for his trouble, and enjoins care on the part of the Court that expenses be not unnecessarily incurred by the Ameen through delay or other cause.

* Viz. that "previously to issuing any instructions to a Moonsiff for the performance of any of the duties described in that, or the preceding Section, the Judge shall require either the Plaintiff or the Defendant according to the circumstances of the case, to pay into Court such a sum of money as may be an adequate remuneration to the Moonsiff for his trouble, provided such sum do not exceed the probable expense which would be incurred, if an Ameen or a Native Officer of the Court were employed on the same duty."

5. The Court have been pleased to fix the maximum amount of remuneration to be awarded to the Ameen in such cases at 12 annas per diem for himself, and 3 annas for the hire of two Peadahs, or a total rate of 15 annas per diem, and this rate is, on no account, to be exceeded.

6. It will be the duty of the presiding authority, at the time of directing the appointment of an Ameen, to fix the period within which he should be required to make his return, and to determine the rate of his remuneration under the limits above laid down, as well as by which of the parties the amount shall be deposited, and the Ameen shall, on no account, be appointed till such sum have been paid in. The amount having been deposited, a moiety of it shall be paid to the Ameen, and the balance on the completion, to the satisfaction of the Court, of the duty assigned to him; when such duty may be found to have been discharged in a negligent or improper manner, the Court shall pass, in regard to the balance in deposit, such order as in each case, on a full review of the circumstances, may appear just and proper, either causing its refund to the depositing party, or appointing a second Ameen for the satisfactory completion of the work—the latter shall not, however, be entitled to receive, as remuneration, more than the balance remaining in deposit.

7. Where the Ameen may find it impracticable to make his return within the period fixed by the Court, he shall submit a report to that effect, prior to the expiration of that term, stating fully the progress he has made towards execution of the order, and the circumstances which hinder completion within the period allowed; the Court shall

immediately take such report into consideration, and if it appear that the delay has arisen from neglect of the parties, or either of them, or from other circumstances beyond the control of the Ameen, and in no way involving his conduct, it shall be competent to the Court, to grant such extension of time as may seem proper, and to direct the deposit, within a certain period, of such additional sum for the remuneration of the Ameen as may be deemed reasonable, the Court shall at the same time, be competent to order payment to the Ameen of such portion of the balance of original deposit, as may suffice for his immediate expenses. In the event of the further deposit not being made within the time fixed, and the party, or his Wakeel, ordered to deposit the same, not being able to shew satisfactory cause for the delay, the Court shall order the Ameen to strike the case off on default, and direct the payment to him of the balance in deposit. When, however, the delay may be owing to the neglect of the Ameen the Court shall require him to complete the duty within such further period as it may be fit to grant, but shall not allow him any additional compensation for that period.

8. As regards the third and most numerous class of cases, in which real or personal property has to be attached and sold in realization of sums awarded by the Civil Courts, much difference of practice is believed to prevail in the manner of employing the Ameens, in some districts their agency being confined to the conduct of the sale, while it includes the attachment as well as the drawing up and issue of the sale advertisement in others, and in some instances Ameens have been in the habit of receiving Petitions of objection to the sale, and transmitting them to the Court, whence they have been generally directed to conduct the enquiry into such objections, and report the result for orders. It has been, however, determined by the Court that the duty of issuing the advertisement of sale as well as the reception of their own authority, of any petition of objections to the sale, is beyond the competency of the Ameens to perform—and their agency is to be restricted to the attachment and sale.

NOTE.—It has been ruled that Ameens under Circular Order 10th February 1837 have the constructive power, under Clause 3, Section 2, Regulation VII., 1825, 'of selling real as well as personal property in satisfaction of decrees. See Circular Order dated 7th issued 28th February, 1840, No. 765.

9. For this duty, under Section 51, Regulation XXIII. 1814, the Ameens are entitled to receive a commission of one anna in the Rupee on the proceeds of sales effected by them—but provision is not made for the following contingencies, on the occurrence of which, under the above rule, the Ameen can receive no compensation, to which he is, nevertheless, entitled for the trouble and expense to which he may have been subjected.

1st. Where no part, or only a very small portion of the property included in the Schedule filed by the decree-holder, and ordered to be attached through the Ameen, may, after due search and enquiry, be forthcoming.

2nd. Where, after attachment of the property, but prior to the date fixed for its sale, the party liable for the demand may discharge the same, or, having compromised the matter with the decree-holder the latter may file a "razeenamah;" or where the sale may be postponed and eventually stopped by order of the Court, or where, from any other cause, it may not take place.

3rd. Where the Ameen may actually have proceeded on the day fixed for sale, to the spot—and the sale may not take place owing to payment of the amount, or other cause, and,

4th. Where the sale, having taken place, may afterwards be reversed for some cause not involving the conduct of the Ameen.

10. Respecting the three first contingencies, the Court have resolved that the Ameen, in compensation for his trouble and expense, shall be paid by the same rate

of daily allowances, as that fixed in paragraph 5, of this letter, vizt. 12 annas for himself, and 3 annas for the hire of Peadahs, the number of days being calculated according to the distance, on a fixed scale of distance per diem, which the Court are pleased to establish at 10 miles per diem, every day of detention at the place of attachment or sale, which may be compulsory, and beyond the control of the Ameen, will be charged for in addition at the above rate, and the remuneration of one day will be paid to the Ameen on the occurrence of the 2nd contingency should the sale have been stopped in time enough to prevent the departure of the Ameen from his usual abode for the purpose of effecting the sale.

11. It is, at the same time, provided that the total amount receivable by the Ameen under the above rule shall, in no case, exceed the amount he would have got if the sale had been effected in due course.

12. In the fourth and last contingency mentioned, the Court deem it just that the Ameen, where the sale having taken place, may be reversed, receive the full commission of 1 anna in the Rupee on the proceeds of the sale, as he will have been subjected to the same labor and expense, and have incurred the same responsibility as if the sale had been confirmed. The Court ordering the sale will, in such case, determine by which of the parties the cost incurred on this account, as well as when the sale may be stayed by an order of the Court, shall be ultimately borne. When the decree-holder may file a razeenamah, the commission of the Ameen shall be recovered from him, leaving him to make his arrangements for obtaining reimbursement of the amount in any compromise concluded with the opposite party; but where the sale may be stayed owing to the payment into Court or to the Ameen, of the demand by the opposite party, such payment shall also include the Ameen's commission calculated under whichever of the foregoing rules may apply to the case, and which should first be paid to the Ameen before any payment is made to the decree-holder.

13. Ordinarily, the delivery of possession to auction purchasers of property sold by Ameens is to be considered as included in the duty for the performance of which the Ameen receives the commission of 1 anna in the Rupee on the sale proceeds; but where the delivery of possession may have been unduly resisted, it will form a separate case, falling within the rule laid down in paragraph 4 of this letter, and be dealt with accordingly.

M. SMITH,
Register.

Allahabad, 17th January, 1842.

ABSTRACT.

Duties defined and mode of remuneration fixed, of Ameens employed under Circular Order of Sudder Dewanny Adawlut, dated 10th February, 1837.

(No. 125.)

To the several Zillah and City Judges, in the North-Western Provinces.

Judge's attention called to former rule requiring specification, in reference, of *names* as well as official designation of Officers under them.

The Court request the particular attention of the several Judges to the rule in paragraph 8, of Circular Order, No. 156, dated 6th November, 1835, which is now much neglected, viz. that "whenever a Judge has occasion to mention a Moonsiff in an application for leave or otherwise, he will invariably designate him by name, as well as by his Division." The

observance of this rule is especially necessary when the merits of an Officer's conduct may be the subject of comment.

M. SMITH,
Register.

Allahabad, 14th January, 1842.

(No. 151.)

To the several Judges of Zillah and City Courts, North-Western Provinces.

It is notified for general information, that it has been held by the Courts of Sudder Dewanny Adawlut for the Lower and Western Provinces, that the Vakeel who presents to a Lower Court an appeal from its decision to the Sudder Court, is bound, as the authorized and accredited Agent of the Appellant, to receive the notice prescribed by Section 10,* Regulation VI. 1793, and Section 3, Regulation XII. 1797, and that his receipt is a sufficient service upon the Appellant.

* Clause 8, Section 10, Regulation V. 1803, for Ceded Provinces.

2. To obviate any doubt or misconception on the point, the Court are pleased to direct that every Vakeel presenting a petition of appeal of the nature contemplated, to the Lower Court, be required to procure the insertion, in his Vakalutnamah, of a Clause specially empowering him to receive the prescribed notice. It is to be observed, however, that the omission of such a Clause in the Vakalutnamah will not absolve the Vakeel from the necessity of receiving the notice for service upon his client.

ABSTRACT.
Regarding obligation of Appellant's Vakeel to receive the notice prescribed by Law on presenting appeal to Sudder Dewanny Adawlut against Zillah Courts' decision, to latter Court.

M. SMITH,
Register.

Allahabad, 25th January, 1842.

(No. 208.)

To the several Zillah and City Judges, in the North Western Provinces.

The result of the revision of the peon establishments of the Moonsiffs' Courts, and the settlement of the rates to be in future paid in each Moonsiffship on this account, which were enjoined by Circular Order, dated 18th September, published in the Government Gazette of 18th November, 1840, having been before the Court, they find that, by this revised arrangement, both the number of peons employed, and the sums demandable by them for serving processes have been adjusted, and reduced to a reasonable amount, and it is hoped that much abuse has by these means been effectually stopped.

2nd. The Judges of the districts named in the margin, not having yet submitted the above information the Court desire they will (if they have not yet done so) immediately commence the revision, and report the result.

Azimgurh, Benares, Bundelkund.

3rd. In addition to the foregoing, the Court now direct that the Judges will cause to be framed, with due care, (revising it themselves before adoption,) a table in the vernacular, for suspension in each Moonsiff's cutcherry, shewing the computed distance of each village within the jurisdiction from the Court station, and the number of days

allowed for the issue of the process, calculated at the rate of 5 coss per diem, this table being exposed, under the signature and seal of the Judge, in each Moonsiff's Court, for general information, no mistake can thereafter occur, or extra demand be made.

M. SMITH,
Register.

Allahabad, 28th January, 1842.

ABSTRACT.

In continuation of Circular Order 1879, dated 18th September, 1840, regarding revision of peon establishments of Moonsiffs' Courts, preparation enjoined of Table of distances, and number of days allowed for service, to be hung up in each Moonsiffee.

(No. 249.)

To the several Zillah and City Judges, in the North-Western Provinces.

In modification of the Rules contained in Construction No. 1161, (Page 19 of Printed Construction Book Vol. III, part 1,) and Circular Order dated 3rd January, 1840, No. 64, (Printed edition Vol. III, part 3) which are hereby cancelled, the Court of Sudder Dewanny Adawlut for the Western Provinces, in concert with the Court at Calcutta, prescribe, for the future guidance of all the Courts under their jurisdiction, the Rules which follow:

1st. It is *Discretionary* with a Civil Court to give a reasonable time to a party presenting a document requiring a stamp, but written on plain paper, to apply to the Revenue Authorities for the purpose of having it stamped.

The above is to be considered only applicable, as regards *Defendants,* to the occasion of a defendant presenting such a document, on which his defence is founded, or by which it is supported, when the ends of justice may appear to require the indulgence being granted, and, in respect to *Plaintiffs,* to very special cases, as rare exceptions to the general Rules, which should be to nonsuit a Plaintiff presenting a document of the above description either as the ground of his claim, or in support thereof—whenever the indulgence is granted, the special reasons for according it should be distinctly stated in a separate proceeding.

2nd. It is discretionary with a Civil Court to give a reasonable time to a party presenting a document bearing an improper stamp to apply to the Revenue authorities for the purpose of having the proper stamp affixed. The above should be the general Rule, when such a course is thought necessary for the ends of justice, and the refusal to give time in such cases should form the exception.

3rd. The principle of the two foregoing Rules and the remarks appended thereto is to be held applicable respectively to cases in which documents written on plain paper or on stamp of inadequate value may have been already filed.

4th. The Courts shall reject at once documents presented in *Miscellaneous* cases of the sort described in Rules 1 and 2, whether written on plain paper, or insufficient stamp.

5th. A deed is admissible as evidence in a Court of Justice upon which the proper stamp has been affixed under the orders of any Commissioner of Revenue, on the representation of any Collector subordinate to his authority.

6th. It is not the province of the Civil Courts to decide upon the powers of the Revenue Officers in respect to each other; but if a deed, when presented to a Court,

bears the proper stamp, it should be received in evidence, without a question being admitted as to the competency of the authority by whose orders such stamp was affixed.

7th. A special appeal having been admitted in a case originally decided on the evidence of a deed bearing an improper stamp, or requiring a stamp but written on plain paper, the decisions of both the Lower Courts should be set aside, and the Court of first instance directed to restore the case to its original number on the file, and, after exercising its discretion in regard to granting or not granting the party who presented the deed an opportunity of remedying the defect in it, in the mode laid down in Rule 1 or 2, (as either may apply), to dispose of the case accordingly.

M. SMITH,
Register.

Allahabad, 31st January, 1842.

ABSTRACT.

Rules of practice prescribed for the guidance of Courts in the matter of documents written on inadequate stamp, or requiring stamp but written on plain paper.

(No. 250.)

To the Civil Authorities in the North-Western Provinces.

The Court are pleased to prescribe the following rules in modification of their Circular Order, No. 1881, of the 31st October, 1839, which have been adopted in communication with the Calcutta Court.

ABSTRACT.
Modified rule prescribed regarding documents in English language in suits before Native Courts.

2nd. It is to be left to the option of the party filing an English document to accompany it with a translation in the Oordoo language, but the Native Judge before whom the suit may be pending is competent to call on such party to file a translation when it may seem to him to be wanted.

3rd. No question is to be entertained as to the correctness of any translation, if both parties agree to receive it as correct, or if the point on which the correctness is doubted be one not essential to the decision of the case.

4th. The Native Judges are, however, to be at liberty to refer to the Judge any doubt as to the accuracy of a translation, on which they may wish to obtain his instructions.

M. SMITH,
Register.

Allahabad, 4th February, 1842.

(No. 254.)

To the several Zillah and City Judges in the North Western Provinces.

The Court desire the attention of the Judges generally to the annexed Extract of a Report on Civil Justice for 1841, from the Judge of Furruckabad, regarding irregularities found by him to prevail in the Moonsiffs' Courts in the matter of levying and appropriating Tulubana and "khorak," in order that each Judge may satisfy him-

self, by careful scrutiny, as to the prevalence or otherwise of similar practices in his District, and may adopt immediate measures for stopping them, if discovered to exist.

M. SMITH,
Register.

Allahabad, 4th February, 1842.

ABSTRACT.

Extract circulated regarding certain irregular proceedings in Moonsiffs' Courts, for enquiry by Judges, and prohibition of abuse, if discovered.

Extract of Report from Mr. C. R. Cartwright, dated 21st January, 1842.

" Much irregularity appears to me to have prevailed in all the subordinate courts of this Zillah in the mode of levying and appropriating Tulubana and " khorak." The Moonsiffs have been in the habit, apparently, of retaining among their authorized Peeadahs a certain number of their own dependants, who have been employed by them in all their domestic mènage, but whose only wages have been the sums received upon processes of the Court, when made over to them for execution. In this manner it appears almost universally the practice of these officers to have five or six of their registered peons who receive 7 and 8 Rs. a month for Tulubana, while the others get scarcely even more than 2 or 3 at the outside, such a plan of procedure appears to me to be exceedingly objectionable, and I hope that I shall receive the support of the Sudder Court in my endeavours to suppress and abolish it. The present 2d Moonsiff of Furruckabad, upon taking charge of his office, informed me in a proceeding that the Chuprasses attached to his office, had always hitherto received, in excess of the prescribed Tulubana, certain sums under the designation of " khorak," as well from Decreedars, as from Plaintiffs, Wukeels and Mooktars, and requested my authority to his issuing " an ishtihar" prohibiting the practice."

[True Extract.]

M. SMITH,
Register.

(No. 284.)

NOTIFICATION AND CIRCULAR.

Notification made of names of Candidates to whom diplomas of fitness for employment as Moonsiffs were awarded in last January examination; and attention of Judges drawn to Court's object in prescribing addendum to Rule III. of 4th August, 1840, published in *Gazette*, of 16th March, 1841.

The Court publish for information, a list as below, of Candidates to whom diplomas of fitness for employment as Moonsiffs were awarded by Divisional Committees at the examination of January, 1842:—

2nd. The Court take the opportunity of drawing the attention of Judges to the object they had in view in prescribing the Addendum to Rule III. of 4th August, 1840, (relative to certificates, granted to applicants, of eligibility for examination) which was published in the Gazette dated 16th March, 1841, viz. to ensure an adequately high standard of character and acquirements in those who offer themselves as candidates for the Office of Moonsiff.

3rd. The Judges should not, therefore, be satisfied with not knowing any thing *against* the applicant; they should consider it their duty to make particular enquiries into the situation and circumstances in life of applicants, and grant certificates to such only as from their general respectability and intelligence, they judge calculated to do honor to the Office of Moonsiff, and to those higher grades, for appointment to which a creditable discharge of a Moonsiff's duties can, under existing rules, alone render persons eligible.

M. SMITH,
Allahabad, 11th February, 1842. *Register.*

(No. 364.)

To the Civil Authorities in the North Western Provinces.

Diversity of practice having been found to prevail in respect to the applicability, or otherwise, of Section 8, Regulation VIII. of 1831, to claims regarding *exactions* as well as *arrears* of rent, the Court notify that, on a late reconsideration of the subject, it has been determined by a majority of the Courts at Calcutta and Allahabad that construction No. 714, declaring the applicability of Section 8, Regulation VIII. 1831, to claims regarding *exactions* as well as *arrears* of rent, and consequently making such claims cognizable by Moonsiffs as regular suits on one-fourth Stamp, ought to be adhered to—Should therefore, the practice obtain in any District of requiring claims regarding exactions to be brought on Stamp paper of full value, it must be forthwith altered.

M. SMITH,
Allahabad, 18th February, 1842. *Register.*

ABSTRACT.

Attention called to rule declaring Section 8, Regulation VIII. 1831, applicable to claims regarding *exactions* as well as *arrears* of rent.

(No. 368.)

To the Civil Authorities in the North-Western Provinces.

The Court are pleased to prescribe the subjoined forms of Commission for use by all the Civil Courts when the examination of absent Witnesses is to be taken under the provisions of Act No. VII. 1841.

Forms of Commission prescribed for use under Act No. VII. 1841.

2nd. Form No. 1 is intended to be addressed to Ministerial Officers of the Court or other persons who may be residing within the Jurisdiction of the Court.

3rd. Form No. 2 is to be addressed to a Court of the District which may be inferior in grade to the Court issuing the Commission.

4th. Form No. 3 is intended to be addressed to a Court of another District, equal or inferior in grade to the Court issuing the Commission; or (in cases of doubt as to which is the most convenient) to the Judge of such other District, or (under special circumstances) to any individual residing in such other District. In the event of the Commission being addressed to the Judge, and that Officer, under the discretion vested

in him by Law, deeming it expedient to direct the Commission to a Court subordinate to him, it will be sufficient for this purpose that he endorse on the original Commission the following record: To — A. B. Principal Sudder Ameen, Sudder Ameen or Moonsiff, of ———— (as the case may be.)

You are hereby authorized and directed to conform to the requisitions of this warrant of Commissions making your return direct to the Court issuing it—Witness my hand and seal of Office. This ——— day of ——— &c.

5th. Form No. 4 is to be issued when the evidence of Witnesses residing in Calcutta may require to be taken.

6th. The Act permits examinations to be taken otherwise as well as upon interrogatories, but the Court are of opinion that, in all practicable cases, interrogatories should accompany the Commission.

7th. The attention of the Subordinate Courts is to be called to this Circular.

M. SMITH,

Allahabad, 24th February, 1842. *Register.*

FORMS.

(No. 1.)

In the Court of Dewanny Adawlut for the Zillah of ———

Ramnarain Sing,.. *Plaintiff,*

VERSUS

Ramjeewun Doss,.. *Defendant.*

To A. B.

Whereas by an order dated the —— in the above cause, it has been directed that the evidence of C. D. and E. F. residing at ———, be taken by Commission under the provisions of Act VII. of 1841, and whereas in pursuance of such order, you are appointed to take the evidence of the said Witnesses. You are hereby empowered and required, to take the examinations and depositions of the said Witnesses, upon oath or affirmation as provided in Section 4, of the said Act, upon the interrogatories hereunto annexed * which duty you shall perform truly, faithfully, and without partiality, to any, or either of the parties in this cause; examining the Witnesses in the presence of parties or their agents (if present) who shall be at liberty to question them on the points specified, and returning this warrant of Commission, together with † *the interrogatories hereunto annexed, and* the examinations of the said Witnesses *thereon,*† to this Court, on or before the ——— day of ——— next.

* Or "on the points indicated in the annexed extract from the Court's proceedings" as the case may be.

† The words underlined to be omitted if interrogatories are not sent.

Given under my hand and the Seal of this Court this ——— day of ——— 184

L. S. A. B.

(No. 2.)

In the Court of Dewanny Adawlut for the Zillah of ———

Ramnarain Sing,.. *Plaintiff,*

VERSUS

Ramjeewun Doss,.. *Defendant,*

To A. B.

Moonsiff.

Whereas by an order dated the ——— in the above cause, it has been directed that the evidence of C. D. and E. F. residing at ——— be taken by your Court under the provisions of Act VII. of 1841, you are hereby required to take the examinations and depositions of the said Witnesses upon oath or affirmation as provided in Section 4 of the said Act, upon the interrogatories hereunto annexed; * which duty you shall perform truly, faithfully, and without partiality, to any, or either of the parties in this cause; examining the Witnesses in the presence, of the parties or their Agents, (if present) who shall be at liberty to question them on the points specified, and returning this warrant of Commission together with * *the interrogatories hereunto annexed, and* the examinations of the said witness *thereon* * to this Court, on or before the ——— day of ——— next.

* Or" on the points indicated in the annexed extract from the Court's proceedings" as the case may be.

* The words underlined to be omitted, if interrogatories are not sent.

Given under my hand and the Seal of this Court this ——— day of ——— 184

L. S. A. B.

No. 3.

In the Court of Dewanny Adawlut for the Zillah of ———

Ramnarain Sing,.. *Plaintiff,*

VERSUS

Ramjeewun Doss,.. *Defendant.*

To A. B.

Judge of ———

Whereas by an order dated the ——— in the above cause, it has been directed that the evidence of C. D. and E. F. residing at ——— be taken by your Court under the provisions of Act VII. of 1841, you are hereby requested to take, or cause to be taken, the examinations and depositions of the said Witnesses upon oath or affirmation, as provided in Section 4, of the said Act, upon the interrogatories hereunto annexed; * the examinations to be held in the presence of the parties or their Agents (if present) who shall be at liberty to question the Witnesses on the points specified, and to return this warrant of Commission, together with* *the interrogatories hereunto annexed, and* the examinations of the said witnesses *thereon** to this Court, on or before the ——— day of ——— next.

* Or " on the points indicated in the annexed Extract from the Court's proceedings, as the case may be.

* The words underlined to be omitted if interrogatories are not sent.

Given under my hand and the Seal of this Court this ——— day of ——— 184

L. S. A. B.

(No. 4.)

To A. B.

Commissioners of the Court of Requests,

Calcutta.

Whereas by an order dated the ——— in the above cause, it has been directed that the evidence of C. D. and E. F. residing at ———, be taken by your Court under the provisions of Act VII. of 1841, you (or any or either of you) are hereby

requested to take the examinations and depositions of the said Witnesses, upon oath or affirmation as provided in Section 4 of the above Act, upon the interrogatories hereunto annexed;* the examination to be held in the presence of the parties or their Agents, (if present) who shall be at liberty to question the Witnesses on the points specified, and to return this Warrant of commission together with * *the interrogatories hereunto annexed, and* the examinations of the said witnesses *thereon** to this Court, on or befor the ——— day of ——— next.

* Or, "on the points indicated in the annexed extract from the Court's proceedings," as the case may be.

* The words underlined to be omitted if interrogatories are not sent.

Given under my hand and the Seal of this Court this ——— day of —— 184 .

L. S. A. B.

(No. 407.)

To the several Civil Authorities in the North Western Provinces.

The Court are pleased to prescribe the subjoined forms for use in cases under Act XIX. of 1841.

M. SMITH,
Register.

Allahabad, 1st March, 1842.

FORM OF ENGAGEMENT OF CURATOR.

I, A. B., having been appointed by the Judge of Zillah ——— under the provisions of Act XIX. of 1841, to take temporary possession of the property of the late C. D. do hereby solemnly promise and engage diligently and faithfully to discharge the trust committed to me, and to act in every respect according to the instructions given me, and to the best of my judgment, for the interest of the proprietors. I also promise to obey all orders of the Judge, regarding the institution or the defence of suits concerning or connected with the property committed to my charge. I further promise and engage to give acquittances for all sums of money collected by me as debts or rents on account of the Estate of the said C. D. and to render a true and just account for whatever may be received by me on account of the said Estate, filing, at the earliest practicable period, an inventory of the property received by me, and also monthly, in the Judge's Office, accounts in abstract, and at the end of every three months, and on giving up possession of the property, accounts in detail of my administration of the said property. I further promise and engage, to adhere strictly to such Laws as may be passed, for the guidance of Curators, by the Governor General in Council, and to such orders as I may receive from the Judge, and to derive no personal advantage whatever, directly or indirectly, from the trust committed to me beyond the allowance granted to me as stated in my Sunnud of appointment.

A. B.

FORM OF SECURITY BOND.

Whereas A. B. has been appointed by the Judge of Zillah ——— under the provisions of Act XIX. of 1841, to take possession of the property of C. D. deceased; I, E. F., do hereby engage and bind myself, to stand Security, and to be answerable for the faithful discharge of his trust by the said A. B. agreeably to the terms of his

Sunnud of appointment, a copy of which has been duly delivered to me. I also bind myself, my heirs, and successors, not to sell, give, or otherwise transfer or dispose of, the property mentioned in the annexed Schedule, which I hereby pledge for the purposes of this engagement until the conditions thereof have been completely fulfilled.

E. F.

Schedule of Property.

FORM OF SUNNUD.

SUNNUD TO A. B.

Whereas you A. B. have been appointed under the provisions of Act XIX. of 1841, to take temporary possession of the property of the late C. D., you shall diligently and faithfully discharge the trust committed to you, and act in every respect according to the instructions given you, and to the best of your judgment for the interest of the proprietors; you shall obey all orders of the Judge regarding the institution or the defence of suits concerning or connected with the property committed to your charge. You shall further receive payments of debts and rents due to the estate of the said C. D., until otherwise ordered; such power of collecting debts, however, to cease on the granting of a certificate under the provisions of Act XX. of 1841, or in the event of probate or letters of administration to the Estate of the said C. D. being granted by her Majesty's Supreme Court of judicature; and you shall give acquittances for all sums of money collected by you, as debts or rents, on account of the Estates of the said C. D. and you shall render a true and just account of whatever may be received by you on account of the said Estate, filing, at as early a period as practicable, an inventory of the property received by you, and also, Monthly, in the Judge's Office, accounts in abstract; and at the end of every three Months, and on giving up possession of the property, accounts in detail of your administration of the said property. You shall further adhere strictly to such Laws as may be passed for the guidance of Curators by the Governor General in Council, and to such orders as you may receive from the Judge; and you shall derive no personal advantage whatever, directly or indirectly, from the trust committed to you, beyond the allowance hereby granted to you, of 5 per centum on the personal property and on the annual profits of the real property placed under your charge; and you shall exercise the power of Curator under this Sunnud until the determination of the summary suit now pending respecting the right to possession of the said property, or until otherwise ordered by this Court.

Schedule of property placed under the Curator.

(No. 408.)

To the several Civil Authorities in the North Western Provinces.

The Court are pleased to direct that the annexed forms be made use of in cases coming under the provisions of Act XX. of 1841.

M. SMITH,
Register.

Allahabad, 1st March, 1842.

FORM OF

Engagement of a party to whom a certificate is granted for Collection of debts on succession.

Whereas a certificate has been granted to me by the Judge of Zillah —— under the provisions of Act XX. of 1841, to collect the debts due to the Estate of the late C. D., I promise and engage to give acquittances for all sums of money collected by me as debts on account of the Estate of the late C. D. I further promise and engage to adhere strictly to such laws as have been, or may be, passed by the Governor General in Council for the guidance of persons holding certificates for the collection of debts due to the Estates of deceased persons.

A. B.

FORM OF SECURITY BOND.

Whereas a certificate has been granted to A. B. by the Judge of Zillah —— under the provisions of Act XX. of 1841, to collect the debts due to the Estates of the late C. D., I hereby engage and bind myself to stand security for the said A. B. and to be answerable for any sums realized by him, under the certificate granted to him, which may legally be demandable from him under the provisions of Act XX. of 1841. I further bind myself, my heirs and successors, not to sell, give, or otherwise transfer or dispose of the property mentioned in the annexed Schedule, which I hereby pledge for the purposes of this engagement, until the conditions thereof have been completely fulfilled.

E. F.

Schedule of Property.

FORM OF CERTIFICATE.

To A. B.

Whereas in pursuance of the orders of this Court dated the ———— in the matter of the Estate of the late C. D., this certificate is granted to you agreeably to the provisions of Act XX, of 1841. you are hereby authorized and empowered to collect all debts due to the Estate of the said C. D., giving acquittances for all sums received by you. You are further empowered to receive interest on Government Notes and Dividends, or on shares of any Bank or parts thereof belonging to the said Estate, and to negotiate such securities; you are also empowered to receive a share of such interest or dividends that may be due to the said Estate, or to negotiate a share of such securities.

N. B. These clauses to be omitted when such power is not intended to be conferred.

You shall further adhere strictly to such laws as have been, or may be passed by the Governor General in Council for the guidance of persons holding certificates for the collection of debts due to the Estates of deceased persons.

L. S. *Judge.*

(No. 497.)

To the several Civil Authorities in the North Western Provinces.

It appearing from several recent instances which have come before the Court that many of the local civil tribunals in sales held by them in execution of decrees or other Judicial process under Regulation VII. 1825, entirely neglect observance of the provisions of Clause 2, Section 3, of that enactment, in respect to the proclamation of sale enjoined therein, both as regards *what particulars* such proclamation is to contain, and *how* it is to *be made* and *notified*. The Court beg the particular attention of Judicial

Observance enjoined of provisions of Clause 2, Section 3, Regulation VII. 1825, in conduct of Judicial Sales.

Officers to the rules referred to, and desire that proper notice be invariably taken by the Judges of all deviations therefrom on the part of the inferior Courts.

M. SMITH,
Allahabad, 15th March, 1842. *Register.*

(No. 528.)

To the several Zillah and City Judges in the North-Western Provinces.

The Court direct that Judges who may require Moonsiffs to stand an examination before a Divisional Committee in pursuance of the tenth of the Rules passed by the Supreme Government under date 4th August, 1840, will, in future, intimate the same to such Committee at least fifteen days before the period fixed for the half yearly examination.

M. SMITH,
Allahabad, 21st March, 1842. *Register.*

ABSTRACT.

Previous notice to Committees enjoined on Judges, who may subject incumbent Moonsiffs to examination.

(No. 637.)

To the several Civil Authorities in the North-Western Provinces.

The Sicca Rupee having ceased to be a legal tender on the 1st January 1838, (Act XIII. 1836,) the Courts of Sudder Dewanny Adawlut for the Lower and Western Provinces have been pleased to determine, in supersession of construction, No. 1068, that all questions regarding the value of stampt paper and the amount of suits cognizable by the different classes of native Judges, shall be determined with reference to the existing, and not to the old currency. In accordance with this rule, the Moonsiffs (for instance) will not have cognizance of suits in which the amount contested may exceed 300 Company's Rupees, and the stamp required for a plaint in a suit for the sum above mentioned will be valued at 16 Rupees.

M. SMITH,
Allahabad, 11th April, 1842. *Register.*

(No. 698.)

To the Civil Authorities in the North-Western Provinces.

Notice of Civil Courts called to instructional rules issued by Board of Revenue to Collectors for their procedure on receipt of requisitions for sale of land.

The Court request the attention of the Civil Authorities to a Circular Order of the Sudder Board of Revenue dated 18th March last, and published in the Government Gazette of the 12th instant, conveying instructions how Collectors of Revenue should in future act on receiving requisitions from the Civil Courts to sell land in satisfaction of decrees, and, as the observance by the Collectors of these rules is calculated greatly to expedite the carrying out of orders

of the Courts, if met by corresponding promptitude in the Judicial Offices, the Court expect that the civil Courts will sedulously promote their operation by proper steps on their side; ample means will now be provided for filling up the two final columns of the Quarterly Statement of unexecuted decrees forwarded to the Revenue Commissioners and the Court, heretofore often left blank, or containing the entry—"no reply from Collector"; and the Judges are strictly enjoined to attend to this point, and to direct the notice of the native tribunals to this Circular.

M. SMITH,
Register.

Allahabad, 20th April, 1842.

(No. 760.)

To the Civil Authorities in the North-Western Provinces.

A difference of practice being understood to exist in respect to the value of stamp on which Petitions under Article 7, Schedule B., Regulation X. of 1829, are required to be written in the Zillah and City Courts, the Court intimate, in consultation with the Sudder Dewanny Adawlut at Calcutta, that such Petitions whether concerning matters before the Zillah and City Courts, *as such*, or as possessing the jurisdiction once held by the Provincial Courts, * should be engrossed on an 8 anna, and not a rupee stamp.

* Construction No. 880.

M. SMITH,
Register.

Allahabad, 27th April, 1842.

ABSTRACT.

Intimation given of value of stamp, required for Petitions under Article 7, Schedule B., Regulation X. 1829.

(No. 785.)

To the Civil and Criminal Authorities in the North-Western Provinces.

In conformity to the orders of Government, the Court request that Judicial Officers, whenever they may have occasion to submit applications for the grant of superannuation pensions to persons subordinate to them for the consideration and orders of Government, will forward them, with due observance of the forms prescribed in the Pension Rules passed by Government, under date 4th January, 1831, through the channel of the Court of Sudder Dewanny and Nizamut Adawlut.

M. SMITH,
Register.

Allahabad, 2nd May, 1842.

ABSTRACT.

Applications for superannuation pensions in Judicial Department to be submitted to Government through the Court.

(No. 802.)

To the Civil Authorities in the North-Western Provinces.

An erroneous practice having been found to prevail in several Districts of valuing suits for portions of Malgoozaree estates on the Juma of the entire Muhal instead of on a portion of the Juma of the entire estate corresponding with the fractional share sued for, the Court, with a view of correcting the error, and indicating the legal mode of valuation, promulgate the following proclamation in Oordoo, to which Judges are requested to give full publicity, and, in instances where the practice is at variance with its tenor, to amend it accordingly.

M. SMITH,
Register.

Allahabad, 4th May, 1842.

ABSTRACT.

Proclamation made of correct mode of valuation of certain suits for portions of Estates.

حکم اشتہار یہہ کہ

حکام عدالت دیوانی صدرمقام الہ آباد کو دریافت ہوا ہی کہ اکثر اضلاع کی عدالتوں میں دستور ایسا ہو رہا ہی کہ جب کوئی مدعی کسی موضع یا علاقہ یا محال بندوبستی سے کہ جمع اُسکی سرکار میں مثلا ہزار روپیے مقرر ہی کسیقدر حصہ یعنے چہارم یاسوم یا نصف یا تین ربع کی نالش کرتا ہی تو جمع نالش اُس حصہ کی وہی ہزار روپیے کل جمع موضع یا علاقہ یا محال جو کچھہ ہو قرار دیتا ہی حال آنکہ یہہ امر خلاف ضابطہ ہی اور ایسے مقدمات میں چاہیئے کہ اگر موضع یا علاقہ یا محال جمع ہزار روپیے سے دسویں حصہ کی نالش ہو تو رسوم اُسکی بجمع سو روپیے اور اگر پانچویں حصہ کی نالش ہو تو بجمع دو سو روپیہ کے لی جاے لیکن جو ایسا نہیں ہوتا ہی اسواسطے بنظر رفع ہونے اس بے ضابطگی کے اور مطلع ہونے ہر خاص و عام اور حاکمان عدالت اضلاع کے اشتہار دیا جاتا ہی کہ جب کوئی کسیقدر حصہ کی کسی موضع یا علاقہ یا محال بندوبستی سرکار سے نالش کرے تب جمع اُس نالش کی اُسی حساب سے قرار دے جیسا اوپر لکھا ہی یعنے اگر جمع مالگذاری موضع یا علاقہ یا محال کی ہزار روپیے ہو اور اُس موضع یا محال یا علاقہ سے کوئی شخص آٹھویں حصہ کی ملکیت کی نالش کرے تو چاہیئے کہ رسوم اُسکی بجمع سوا سو روپیے کی معین کی جاے اور اگر چوتھے حصہ کی نالش ہو تو بجمع ڈھائی سو روپیے کے قراردی جاے یعنی کاغذ استام عرضی دعوی کا اُسی قیمت کا ہوگا جو واسطے نالش دعوی سوا سو اور ڈھائی سو روپیے کے ہوتا ہی اور جمیع مقدمات دعوی حصص زمینداری میں بابت جسقدر حصہ کے ہو اسی حساب سے عمل میں آیا کرے فقط چوتھی مئی سنہ ۱۸۴۲ ع

M. SMITH,
Register.

(No. 870.)

To the several Civil and Criminal Authorities in the North-Western Provinces.

It having been ruled by the Supreme Government, that the period of service passed in a grade in which the candidate is not eligible to a pension, cannot be reckoned as part of the prescribed term of service qualifying for a pension in a grade in which he would be eligible under the rules of the 4th January 1831, the Court, under orders from Government, request that, in the submission by Officers of applications for pensions, under Circular Order dated 2nd instant, it be distinctly specified, in what grades the service of the individuals has been passed, and what is the term of service in each grade, as enjoined in the first Clause of the eighth of the Pension Rules dated 4th January 1831, according to the annexed form. Periods not entitled to be calculated according to the foregoing rule, are to be excluded.

Principle notified of calculating period of service to qualify for a pension under Rules dated 4th January 1831.

2nd. The two new headings "specification of service" and "period of service" should be substituted in the form for heading "Total period of service," and the amount of pension recommended should be duly inserted according to the rule now communicated, in connection with the Pension Rules of 4th January 1831.

M. SMITH,
Register.

Allahabad, 13th May, 1842.

Specification of service.	Period of Service.	
	Years.	Months.
Total period of service, ...		

(No. 917.)

To the Zillah and City Judges, in the North-Western Provinces.

The Court observing that the wording of their Circular Order dated 18th September, and published in the Government Gazette of 18th November 1840, appears to limit the application of the rule contained in it to the *proceeds* of *sales made in satisfaction of decrees* of the Moonsiffs' Courts, as remittable to the nearest Tuhseeldaree Cuchery, and not expressly to include *other deposits*, point out to the Judges, who are requested to intimate the same to the Moonsiffs under them, that the above Circular applies to *all* monies deposited with Moonsiffs, the Circular No. 82, dated 5th February, 1833, of which it is a modification, having a similar comprehensive meaning.

Circular Order of 18th September 1840, declared to apply to *all* monies deposited in Moonsiffs' Courts.

M. SMITH.
Register.

Allahabad, 20th May, 1842.

(No. 966.)

To the several Civil Judges in the North-Western Provinces.

Prescribing requirement of security from Nazirs of Principal Sudder Ameens' and Sudder Ameens' Courts.

The Court have determined that the Nazirs of the Principal Sudder Ameens' and Sudder Ameens' Courts be required to give security, in the same manner, as is required from that class of Officers in the Judges' Courts. The security to be demanded from the Nazirs of the Principal Sudder Ameens has been fixed at Rupees 5000, and that demandable from the Nazirs of the Sudder Ameens' Courts at Rupees 1000.

2d. The security which may be given by those Officers shall be annually revised by the Judge, and a report of the same included in the annual Civil statement, No. 9 of the Circular Order No. 28, Volume III.

M. SMITH,
Register.

Allahabad, 27th May, 1842.

(No. 1006.)

To the several Civil and Criminal Authorities in the North-Western Provinces.

Public covers ordered to be closed with gum, and marked with Office stamp, instead of sealed with Wax and use recommended of cloth bags for bulky packages or papers.

The Court, observing that in several Offices under their control gum has already been substituted for sealing-wax in closing the envelopes of public letters, with the addition of an office stamp impressed upon the gummed part, direct that all the authorities will henceforward relinquish the use of sealing-wax, and adopt the new plan, of an envelope gummed at one side and both ends, and marked with an Office stamp or signet, which, while it is more convenient, provides as complete security against the clandestine opening of covers, as the wax impressed with a seal hitherto in use, did.

2d. The Court further notice that risk of loss is incurred in the transmission by post of large packets under paper covers made of brittle country material, and that in fact hardly a week elapses without bulky packages arriving at this Office with the paper cover broken, and the contents exposed to view, and ready to drop out; to obviate this, the court invite the attention of Officers to the use of bags made of "Guzee" or the cloth called "American Sheeting" for enclosing such papers, instead of country papers; according to the mode now followed in the post Office Department, for particulars of which Officers are referred to Circular Order of the Post Master General, North Western Provinces, dated 8th December 1841, a perusal of which they may obtain from the Post Master of their station.

M. SMITH,
Register.

Allahabad, 3rd June, 1842.

(No. 1015.)

To the several Zillah and City Judges in the North-Western Provinces.

Enquiries having been made as to the source whence the cost of Serampore paper supplied to the Principal Sudder Ameens for writing decrees meant to be kept with the record under Circular Order dated 14th March last, and published in the Government

Gazette of the 10th ultimo is to be defrayed, the Court notify, that with reference to the Notification of Government dated 2d October 1837, making a liberal provision to the Native Judges for establishment and stationery, by which the amount for Principal Sudder Ameens on that account was fixed at 150 Rupees per mensem, it has been ruled that the charge alluded to is to be defrayed by a certain sum (to be fixed on an estimate of the quantity annually used,) being deducted from the establishment allowance granted to those Officers, who should be informed accordingly.

Cost of *Serampore* paper for writing Principal Sudder Ameen's decrees meant to remain with record to be defrayed from allowance made to those Officers for establishment and stationery.

M. SMITH,
Register.

Allahabad, 8th June, 1842.

(No. 1034.)

To the Zillah and City Judges in the North-Western Provinces.

The Court notify, by desire of the Government, that, in future, on the occasion of a vacancy occurring in the Office of Pleader of Government in any of the Zillah Courts, Judges will report the same to the Commissioner of Revenue of the Division in which their district lies, instead of making their report direct to the Secretary's Office, in order that the Commissioner may be thus enabled to furnish Government with the report required by Clause 3, Section 4, Regulation XIII. 1829, as to which of the constituted Pleaders of the Court is best fitted by qualifications and character to succeed to the vacant Office.

Reports of vacancies in Office of Government pleader of Zillah Court to be made by Judges to Revenue Commissioners for submission to Government.

M. SMITH,
Register.

Allahabad, 10th June, 1842.

(No. 1035.)

To the several Civil Authorities in the North-Western Provinces.

With a view to define and fix the practice of the judicial tribunals in disposing of cases involving objections to the sale of property in execution of decrees, the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad have determined on adopting the following rules, hereby prescribed for the guidance of the Courts :—

I. The objections usually brought forward to the sale of property, moveable and immoveable, in such cases, are of three kinds :—

1st. That the property advertized for sale is already mortgaged to the objector.

2nd. That the party liable for the claim in satisfaction of which the property is advertized for the sale, has only a limited interest therein, there being other shareholders, including the objector, and the property being undivided.

3rd. That the party liable for the demand has no interest whatever in the property attached and advertized for sale, never having possessed any, or whatever interest he or his ancestors may have enjoyed therein, having been previously transferred by them either to the objector, or other party from whom he may have derived his right, by deed of sale, gift, or other mode of absolute conveyance.

II. It has been already ruled, as regards the first class of objections, in Circular order dated 4th September, and published in the Government Gazette of 4th November, 1840, that no summary investigation is to be made into the claim of the mortgagee, the auction purchaser standing in precisely the same position to the property after, as the mortgager did before, the sale, and the rights and interests of the mortgagee being in no way affected by such sale. It was, at the same time, provided that the existence of such prior claims should, time permitting it, be made known by the auctioneer to the bidders at a sale.

2nd. The principle which governs this rule is that the objector does not deny the fact of the defendant having *some* right and interest in the property, so that the result of any investigation which should be made would not be the total prohibition of the sale, but simply the determination of the extent of the objector's right and the validity of his lien, which cannot properly be effected by summary enquiry.

III. A similar principle will guide the disposal of objections under the second head, viz. where the objector may claim to have a share in the property attached and advertized for sale, and may pray that such share be exempted from sale, and that the sale may be restricted to the share of the person liable for the demand in satisfaction of which the property has been advertized for sale.

3rd. The Courts will, therefore, refuse to take cognizance of such objections with a view of determining, in the miscellaneous department, the specific amount of the share, in the property advertized for sale, of the party liable for the demand, as well as of the objecting parties, in order to the restriction of sale to the share of the former, and the exemption from sale of the share or shares of the latter; since, the rights and interests only of the party liable for the demand being sold, such sale cannot affect injuriously the rights and interests of any other shareholders in the property; in such cases, also, intimation should be given by the auctioneer at the time of sale of the claim brought by the objector or objectors to the property.

IV. With respect to the third class of objections, viz. claims founded on unconditional purchase, or other absolute acquisition of the property put up for sale, the plea advanced being that the latter is not the property of the debtor. The Courts have ruled that such claims *should* be made the subject of a summary investigation, because on the result depends whether the contemplated sale shall take place at all or not—the principle, however, which will govern all such enquiries shall be that *possession* is the sole point to be looked to and determined in the miscellaneous department, and that, should the possession of the objector or claimant prior to the attachment of the property or advertisement of sale be satisfactorily established, sufficient ground will be held to exist for stopping the sale without enquiring into the validity of the alleged title, any dissatisfied party being left to bring a regular suit.

V. It must be expressly borne in mind that sales of the description contemplated convey to the purchaser nothing beyond what was enjoyed at the time of sale by the person whose interests are sold, and the court, in the execution of its process, will only place the purchaser in the position, with respect to the thing sold, in which it found the defendant.

VI. The above rules will be considered equally applicable to moveable and immoveable property.

M. SMITH,
Register.

Allahabad, 10*th June,* 1842.

ABSTRACT.

Rules prescribed for guidance of Civil Courts shewing the Principle on which summary enquiries should be made by the Courts into objections to sale of property in execution of decrees, and denoting the occasions when such course should be followed.

(No. 1108.)

To the several Civil and Sessions Judges in the North-Western Provinces.

Order of Government promulgated in North Western Provinces prohibiting Native Judges and Law Officers from trading.

With reference to recent prohibitory orders on the subject by the Hon'ble the Court of Directors, the Court, with the sanction of the Hon'ble the Lieutenant Governor, North Western Provinces, are pleased to publish, for general information, the subjoined notification of Government dated 29th December 1835, interdicting the engagement of the Native Judges of all grades and of the Law Officers of the Courts, in any trading speculations, and they request the Judges will direct to that order the particular attention of all the Officers concerned.

M. SMITH,
Register.

Allahabad, 20th June, 1842.

NOTIFICATION.

JUDICIAL AND REVENUE DEPARTMENT.

The 29th December, 1835.

The Principal Sudder Ameens, Sudder Ameens and Moonsiffs, and the Mahomedan and Hindoo Law Officers of the Zillah and City Courts, and of the Sudder Dewanny Adawlut under this Presidency, are hereby prohibited, under pain of dismissal from Office, from being engaged in any trading speculations.

If any Principal Sudder Ameen, or other of the Officers above mentioned, shall be now engaged in trading speculations, or any such speculations shall devolve on him by inheritance it shall be incumbent on him, within one month, to make known the circumstance to the Zillah or City Judge, or to the Register of the Court of Sudder Dewanny Adawlut, and to terminate his connexion with such transactions at the earliest practicable period; should he be unable to do so within one year, he shall either resign his situation, or submit a report of the circumstances of the case to the Judge or Register, who will forward it to the Government or Court of Sudder Dewanny Adawlut, as the confirmation of the Officer may be vested in one or other of these authorities, with his own opinion as to the propriety of allowing the Officer a further period for the purpose of bringing his transactions to a close. If any of the Officers above mentioned shall fail to conform to the above rule, the same penalty shall attach to him, as if he had engaged in trade subsequent to the publication of this order.

Candidates for any of the Offices above mentioned shall certify in their applications that they are not engaged in any trading speculations; and in the event of their being appointed, and of its being subsequently discovered that they were so engaged at the time of making their application, they shall be liable to be dismissed from Office.

M. SMITH,
Register.

(No. 1143.)

To the several Civil Judges in the North-Western Provinces.

The Court of Sudder Dewanny Adawlut have, for some years, been impressed with the necessity of the adoption of measures for remedying the injury to which landed estates are exposed by decisions of the several judicial tribunals relative to property therein, passed without due reference to the actual state and constitution of those estates, and to the nature of the interests of which they are composed, and the tenures by which they are held, and for obviating, at the same time, the inconvenience and expence to all parties concerned, and the necessary compromise of the position and character of our Courts caused by the passing, and issue of orders for carrying into effect decisions which are from their very nature, with reference to the characters of the property affected by them, impossible of execution.

2nd. Much correspondence between the Government, the Court and the Sudder Board of Revenue has taken place on this subject; and lately a conference has been held by the two latter authorities to consider the question in all its bearings, and to ascertain the extent to which the evil has been experienced, and devise, if possible, suitable remedial measures.

3rd. The Court are induced to believe, upon full deliberation, that if, as is stated, the late revenue arrangements for the revision of the land settlement in these Provinces have led to the preparation of a record, available to all parties interested, of the minute details of the tenure of every estate and Village in the several Zillahs, it is only necessary that the various courts of first instance should be particular in enforcing an observance of the rules laid down in the existing regulations regarding the drawing of plaints, and the examination of claims, to obviate in a great degree, if not entirely, the evil complained of.

4th. It has been distinctly declared by the Board of Revenue that the landed tenures in these Provinces are classable under the three heads of *Pure Zumeendaree, Pure Putteedaree, or Bhyachara, and mixed Putteedaree.* These tenures are defined, and their incidents explained in paragraphs 199 to 203, both inclusive, of the Board's Settlement Circular; many of the *two latter* descriptions of tenures are liable to the additional incident of a state of intermixed possession, which is explained in paragraphs 225 to 237, both inclusive, of the same Circular. It is understood that each Judge possesses the means of reference to this and the other printed Circulars of the Board, having been supplied with a copy from that authority.

Note.

An *Oordoo* copy of the Sudder Board of Revenue's *Settlement*, Circular No. 1, has been sent direct from the Court to each Zillah Judge. Extracts of the same, including the paragraphs noted, should be communicated to each Judicial Officer by the Judge.

5th. It will be seen that the first of the above classes very nearly corresponds with the usual holding of tenants in common, as defined by English Law. Every sharer has an equal proportionate right throughout every part of the estate, the rents are collected in common, and, after payment of the Government Revenue and charges, the surplus is divided among the proprietors in the proportion of their fractional shares. In cases of this class, the Court observe, the claim is correctly brought and the suit tried and decided, as a claim for a proportionate share of the whole estate, as ¼th ⅛th 1-50th, or 1-100th, part, as it may happen—when the Revenue authorities are required to execute a decree passed in such a case, it is obvious that no difficulty will be experienced. The Collector has simply to make it known to the parties in possession that the Plaintiff is to be acknowledged as the owner of the proportionate share awarded

him, and is entitled to, and will henceforth derive the privileges and emoluments attached to his adjudicated share of the entire property.

6th. Or if it be desired and ordered by the Court that Plaintiff's share be made over to him in separate possession, the Collector has only, in conformity to the provisions of Regulation XIX. 1814, to select from the whole area, in one continuous tract, such an extent of soil, as with reference to its present produce and capabilities, may be considered fairly to represent the fractional share of the Plaintiff which process the complete Map and Register said to exist of every field, and every uncultivated parcel of ground included in every Mowzah in these Provinces will enable the Collector to perform with much facility and expedition, and in most instances probably without having recourse to a remeasurement.

7th. But it is manifest that a far minuter detail is required in drawing plaints regarding proportional shares in Mowzahs held under tenures of the *second* and *third* class above noted, viz. a pure Putteedaree or Bhyachara tenure and mixed Putteedaree and that when these minutiæ are unobserved, and decrees are given on the pleadings now usually filed, without advertence to the specific nature of the tenure, the greatest difficulty, amounting in fact to impossibility, is encountered in attempting their enforcement.

8th. The reason of this is (to quote from the Board's address to Government on the subject) that "there is no community of possession in lands of this kind, which are not inherited, transferred, or possessed in *common*, but in *severalty*. Therefore the rules which relate to lands held in common cannot apply to them either as regards possession or partition. The difficulty found is to put one party out of possession of land held in severalty, and to put another party in, without a clear order as to who is to be ejected, from what land, and in whose favor. It is also impracticable to divide an estate of which the lands are held in severalty into proportional parts, such a division being contrary to Section 30, Regulation XIX. 1814."

"The whole Mowzah is made up of independent freeholds, each freehold not containing one continuous tract, but made up of fields scattered about and intermingled with the fields of other proprietors, so that it generally happens that if one proprietor own *ten* fields, each of those fields will be surrounded by the fields of other proprietors, and it is rare for two fields of one property to lie together. It often happens in Bhyachara Mowzahs that the fields are possessed by men of several different communities, of distinct families and tribes, having no interest, either actual or contingent, in common, and no concern with each other, but that of holding fields within the boundary of the same township residing in a part of the same hamlet, and paying, through either a common or separate representative, their portion of the jumma assesssed on the whole Mowzah."

9th. The Board further remark, with great justice, that "in such a case as this where the land has been held, time immemorial, in clear separate possession, a party claiming to eject the present possessor, and to occupy in his stead, must show what are the actual fields to which he lays claim, and must prove, in respect to each, a title superior to the person who holds it. Plaintiff must shew moreover, that he either has held possession of those fields within the term beyond which the law will not allow the right of a possessor to be called in question, or he must establish by evidence such facts as will entitle him under the law to sue notwithstanding the lapse of time. To prove that he holds a certain position in descent from a certain remote ancestor is to prove nothing, unless he can shew cause for suing after a period beyond which the law forbids suit to be brought. The nature of the claim and of the evidence required to establish the claim is changed entirely by the different nature of the tenure. A decree in this latter case cannot be given, or, if given, is nothing worth, if it be in the terms of a title to a

certain proportion of the entire area of the Mowzah. The Mowzah, as before said, contains many unconnected properties, and it is necessary distinctly to declare of what lands the Plaintiff is to receive possession, and who is to be displaced to make room for him."

10th. The Regulations require that every plaint shall contain a distinct and specific statement of the nature of the claim preferred, and the grounds on which it is based, and that, before entering on the investigation of any case, the exact points to be proved by the parties shall be ascertained and recorded, and the object of the present order is to impress upon the Courts of first instance the necessity of observing, and strictly to enjoin observance of those rules.

11th. As respects the means at hand of so doing, the Court are assured by the Sudder Board that the records of the present settlement to be found in the Collector's Office, supply ample materials for enabling suitors to draw their plaints as above laid down. The Board state in their address to Government already noticed that a Map exhibiting the exact position of each field composing every property, and a Register of the number of fields and measurement of each, as held by each proprietor, and of the contribution leviable on them towards the Government jumma of the whole Mowzah, form a part of the settlement record of every Mowzah. Any suitor on application, may obtain a copy or extract of these documents, and may therefore lay before the Court in the clearest way his claim, and define by their numbers the very fields he claims, and state by whom they are occupied.

12th. A list can also at any time be furnished to every Judge (by the Collector) shewing the constitution of every Mowzah within his jurisdiction, whether held in common tenancy (Zumeendaree) or subdivided, and held in severalty (pure and mixed Putteedaree). The Village record of mutations kept in the Collector's Office will also shew what changes of possession have occurred since settlement.

13th. With the reference to the foregoing explanatory detail, the Court prescribe for the guidance of Civil Courts, the following rules to be in force, generally, in respect to their other provisions, but, as far as they relate to the *Settlement Record*, and to the fulfilment of any requirement for which a reference to that record is needed, only in districts or portions of districts in which the settlements have been revised under Regulation IX. 1833, on the Collector annually certifying to the Judge that the Settlement Records and papers referred to therein, have been prepared in conformity to the Board's orders and that they have been examined and found correct up to the 1st January of the current year.

RULES.

1. Every plaint regarding the right and possession of land shall in future be required to include a specification of the nature of the tenure on which the land sued for is held, viz. to which of the three classes of "*Zumeendaree*," *pure Putteedaree*, or *Bhyachara*, and *mixed Putteedaree*, it belongs. Any petition of plaint which fails to give these particulars will be nonsuited by the Courts.

2. If the suit be for a specific portion of an estate held in pure Zumeendaree, the plaint shall indicate whether claim is made for the *division* and *separation*, or merely for the *recognition* of the share sued for, in the *latter* case, the decree (if the claim be proved) shall direct that plaintiff's name is to be recorded in the Collector's books with those of other holders, so as in no way to interfere with the management of the Collections of the estate made through the Sudder Malgoozar.

3. If the suit be for land held in pure or mixed Putteedaree, the plaint shall indicate the actual fields or parcels of land claimed, including among the defendants

the occupiers of those fields, and shall be accompanied by extract from the Village field map, shewing the numbers of the fields sued for, and who are the recorded occupants according to the settlement record. In cases of imperfect Putteedaree, the plaint shall also set forth any privileges sued for by Plaintiff as incident to the claim, and the decree (if the claim be proved) shall include the same order as that noted in Rule 2.

4. The plaint in all claims for land of whatever tenure shall further particularize the exact grounds of Plaintiff's claim, and in what respect his title is superior to that of the party or parties sued; it must state when he lost possession of the land sued for (if he have had previous possession) and, should he have had no possession for twelve years, it must shew how his claim is admissible under the law of limitations.

5. It will be the duty of the Courts of first instance to require from the Plaintiff distinct proof of the several points noticed above, and, in decrees for land held under the two latter tenures, the decision must in each instance particularize the actual portions of land described in the pleadings which it decrees to the Plaintiff, with the grounds on which the award is based.

6. Copies of such extracts from the settlement records as may be needed to file with any plaint will be furnished to parties in the usual way on application to the Collector.

7. As regards unexecuted decrees already passed for lands held in severalty, but in respect to which the above rules have been unobserved, the Courts will use their best endeavours towards the enforcement of such decisions, as far as possible, but should the Collector shew to the satisfaction of the Judge that there exists no common holding to meet the requirements of the award, the decree must be pronounced incapable of execution, and struck off the file, the parties being allowed to bring fresh suit under the present rules for the precise thing claimed.

M. SMITH,
Register.

Allahabad, 24th June, 1842.

(No. 1146.)

To the Civil and Criminal Authorities in the North-Western Provinces.

Public Officers are hereby informed that a rule has been established, under directions of the Supreme Government, for all references regarding chemical questions and operations on account of Government being made direct to the Professor of Chemistry, Medical College, Fort William, who is privileged to issue and receive letters connected with his department free of postage.

M. SMITH,
Register.

Allahabad, 24th June, 1842.

(No. 1179.)

To the Civil Authorities in the North-Western Provinces.

The preparation of cases in the Sudder Dewanny Adawlut for hearing, is often delayed by the omission of parties to insert in their petition of appeal, whether presented to the Local Courts or to the Sudder Court, the names of *all* the respondents, (some of whom are refered to by the words "waghaiarah," "and others,") and the consequent

inability to issue the prescribed process on the whole of them. As such practice is opposed to the rule of Section 10, Regulation VI. 1793, (Clause 3, Section 10, Rgulation V. 1803, for Ceded Provinces) petitions of appeals deficient in the respect adverted to, must be considered as incomplete, and inadmissible under the regulations, and not to be acted upon as in any way having the effect of a petition of appeal, with reference to the calculation of the period allowed for appeal.

2nd. Whenever, therefore, in future an appellant shall omit the names of any persons who were opposed to him in the lower Court, (without stating grounds for such omission) he shall be allowed to supply the defect within the period of appeal, but, in the event of neglect so to do, his appeal shall be rejected as incomplete.

3rd. The Judges and Principal Sudder Ameens, to whom such incomplete petitions of appeal may be presented, for transmission to the Sudder Court, will apprise the parties of the foregoing orders.

M. SMITH,
Register.

Allahabad, 1st July, 1842.

ABSTRACT.

Rule prescriptive of obligation on appellants to Sudder Court to insert in petition of appeal, names of *all* the Respendents.

(No. 1197.)

To the several Civil and Sessions Judges in the North-Western Provinces.

Nominations for succession to Office of Law Officer of Zillah Court to be sent up in future to Government through Court.

Agreeably to a desire expressed by Government, the Court direct that, in future, nominations for succession to the Office of Law Officer of the Zillah Courts be forwarded through the channel of the Sudder Dewanny Adawlut for submission to Government under Clause 2, Section 4, Regulation XI. of 1826, — with copy of the nominee's certificate of qualification, and with a nomination roll filled up according to the annexed form.

M. SMITH,
Register.

Allahabad, 1st July, 1842.

Form of the Nomination of Mahomedan law officer, ——— for Zillah ———

1	2	3	4	5	6	7	8	9	10	11
Vacant Office.	How vacated.	Name of the person nominated with the name of his father.	Age.	Religion and caste.	Family residence viz. Town or village, Purgunnah, and zillah.	Statement of past employments, whether in the service of Government or individuals, if in the service of Government by what Officer originally appointed and by whom subsequently promoted.	Statement of landed or other property belonging to and where situated.	Proposed residence and Jurisdiction.	Statement of qualification and knowledge of the Persian Bengallee or English language, &c. &c.	Certificate that the nominee is not disqualified by any Regulation; and general Remarks.

(No. 1211.)

To the several Zillah and City Judges in the North-Western Provinces.

There having been reason to believe that, besides the case of entire muhals, liable under the Law to sale for their revenue arrears, a practice was of wide prevalence for the revenue authorities to make deductions for balances of revenue from the prceeds of sales of rights and interests not comprising the entire Estate, made in satisfaction of decrees of Court, prior to transmission of the purchase money to the Civil Court, the Court, by a Circular call dated 8th May 1840, No. 889, required from the Judges a Statement respecting all sales made in 1839, by the revenue department, in satisfaction of decrees of the Judges or the inferior Courts, calculated to shew whether, and to what extent, the practice alluded to obtained, and by the returns to that call it was made manifest that the custom was common for Collectors to deduct on account of revenue in cases where only portions of Estates and rights and interests of particular parties may have been put up to sale.

2nd. With the sanction of Government the Judicial Officers, generally, are now informed that the practice described above is declared by the Sudder Board of Revenue to be prohibited by Paragraph 132, and, still more distinctly, by Paragraphs 143 and 144 of their Printed Circular, volume II, and the Board have added an assurance of its being now perfectly understood by Collectors that, except in case of the sale of an entire Muhal, no deduction from the proceeds of sales under decrees is to be made, and have stated that, if such a step is ever now taken, it arises from the Collector's neglect to enforce a known rule.

3rd. The Sudder Board having signified their readiness, on any instance of such irregular deduction in future being reported to them, to have the amount refunded to the Court which ordered the sale, taking legal steps to recover the arrear in some other manner. The Judges are enjoined to bring every occasion which they may discover of sums being deducted under such circumstances to the immediate notice of the Court, and to require similar information from the subordinate Courts.

M. SMITH,
Register.

Allahabad, 30th July, 1842.

ABSTRACT.

In allusion to a practice of deductions being made by Collectors on account of Revenue from proceeds of sales made in satisfaction of decrees, under circumstances not authorized by the law, Judges apprized that such practice has been prohibited by Sudder Board's Circular and enjoined to bring every instance of its occurrence in future to notice of Court.

(No. 1246.)

To the several Civil and Criminal Authorities in the North-Western Provinces.

With a view to the due observance of the principle contained in the Circular Order, No. 870, dated 13th May 1842, (published in the Agra Government Gazette of 31st idem) for determining the period of service of public subordinate officers applying for pensions under the rules of the 4th January 1831, the Court request the careful attention

of the Civil and Criminal Authorities to the list of the several classes of subordinate officers who, under those rules, are considered to have eventual claims to superannuation Pensions from Government, and direct that in all applications for pensions the *rate* of monthly *allowance* or *salary* drawn by the applicants in the several appointments filled by them during their official career, be inserted in the column headed "Specification of Service," in addition to the denomination of the several grades of office they may have filled.

M. SMITH,
Register.

Allahabad, 11th July, 1842.

ABSTRACT.

Specification enjoined of *Rate* of *Salary* drawn by applicants for pensions in the several grades through which they may have passed of official services.

(No. 1365.)

To the several Civil Judges in the North-Western Provinces.

The following additional rules regarding the examination of Candidates for the Office of Moonsiff are published with the Sanction of Government, for general information, in continuation of Circular Order published in Gazette of 16th March 1841.

1. The Principals of the several Schools and Colleges under the control of the Council of Education in the North-Western Provinces are authorized to grant Certificates to *bonâ fide* students of their respective Schools and Colleges, such Certificates to be countersigned by the Judge of the Zillah in which the School or College may be situated, after that Officer shall have satisfied himself that the Candidate is a fit person to be admitted to examination.

2. In addition to the usual remarks in the last column, all Certificates shall bear on them the result of the Judge's enquiries into the character and respectability of the Candidates, together with any particulars relative to their family and connections which may seem worthy of notice.

3. No Certificates are to be granted but to persons who may be inhabitants of, or employed within the jurisdiction of the Officer granting them.

4. Persons under the age of 21, are not eligible to examination.

5. In renewing the Certificates of persons who have already undergone examination, the Judges are to mention in such Certificates the number of times the Candidates have been examined, with reference to which the Court will decide whether they will admit the Candidate to re-examination.

M. SMITH,
Register.

Allahabad, 26th July, 1842.

ABSTRACT.

Additional Rules prescribed regarding Candidates for qualification for Office of Moonsiff.

(No. 1409.)

To the Civil Judges in the North-Western Provinces.

It is notified that all applications to the Mahomedan and Hindoo Law Officers, for legal opinions in Civil Suits pending in the Courts of the Uncovenanted Judges, should be made to them direct, by Robukaree, and not by Perwannah.

2. Judges are requested to inform the Subordinate Officers accordingly.

M. SMITH,
Register

Allahabad, 5th August, 1842.

(No. 1411.)

To the Civil Judges in the North-Western Provinces.

The Court are pleased, at the request of the Commissioners of the Court of Requests, to prescribe the following rules to facilitate the examination of witnesses residing in Calcutta. (Circular Order, No. 368, 24th February, 1842, para: 5.)

1. The party on whose behalf a Commission is issued to the Court of Requests, for taking the depositions of witnesses, is to appear in that Court personally or by a duly constituted Mookhtyar, to point out the witnesses and to pay the usual fees of that Court for subpœnas.

2. In failure of this within a reasonable period, the Court of Requests will at their discretion return the whole of the documents received from any Zillah.

3. The interrogatories and other papers are to be written in a plain intelligible style, and transcribed in a fair and legible hand.

M. SMITH,
Register.

Allahabad, 6th August, 1842.

(No. 1548.)

To the Civil Judges in the North-Western Provinces.

With reference to the Circular Order No. 986, dated 18th June and published in Gazette of 6th July, 1841, conveying instructions on the subject of Act XXIII. 1840, the Court circulate, for general information, the opinion delivered by the acting Advocate General on the course to be pursued when claims are set up to property, for the sale of which a writ may have been issued by a Mofussil Court.

2nd. A writ for the Sale of property situated in Calcutta, will be drawn up in the form No. 9, which the Sheriff, after endorsement by a Judge of Her Majesty's Court, will execute in like manner as if the writ had been issued by that Court.

3rd. The Court further direct that the following be substituted for the 2nd paragraph of the form A of the Circular above mentioned in issuing Civil processes.

2. " It will rest with the party at whose instance the process has been issued to pay the expences of serving it."

M. SMITH,
Register.

Allahabad, 22d August, 1842.

Opinion of the Officiating Advocate General, dated 12th July, 1842.

The Sheriff is expressly enjoined by Act XXIII. of 1840, Sections 2 and 3 to execute writs, warrants, and other process issued by the Mofussil Courts and Judicial Officers, precisely in like manner, as if the same had originally issued from the Supreme Court, to which alone he is made responsible for the due execution thereof; and in order to facilitate such execution, the Judge of the Supreme Court, who shall endorse the process, is invested with certain power as to correction of the process, and other particulars.

In the instance before me, the Sheriff appears to have proceeded in the regular course to seize the rights and title of the Defendants in execution, in certain parcels of real property pointed out to him on the part of the plaintiffs. That right and title may be none at all, or may be qualified or subject to Mortgage, prior seizures, or the like. As the Sheriff seizes and sells at his own peril, or refuses to do so at his own peril, (by return of nullâ bona, &c.) he in practise calls upon the parties calling upon him to seize, or pointing out the property, to indemnify him whenever a third party claims an interest; and if both parties offer indemnity, he may, at his own peril, elect which indemnity he thinks the best and either sell or release accordingly, being liable in damages to the opposite party if he shall make out his case to be the true one.

I would however suggest as an act of prudence that the Mofussil Judicial Officers mix themselves up in these matters as little as possible, and leave it to the parties interested to give the directions and information to the Sheriff, which of course they must do at their own charge and peril. It would in English Judges be thought not only a loss of dignity, but an act of impropriety, to interfere in any execution whatever, unless formally applied to Judicially by some of the parties litigating. The Mofussil Judge in the instance before me, corresponds with the Sheriff, nay goes so far as to engage for his expences or fees—such a proceeding may perhaps be regular or even necessary in Mofussil executions, but will appear very strange in an English Court of Justice.

(Signed) C. R. PRINSEP,
Offg Adte. General.

(True Copy)

(Signed) T. B. SWINHOE,
Atty. to the East India Company.

(True Copy)

M. SMITH,
Register.

(No. 1550.)

To the several Civil Authorities in the North-Western Provinces.

Misapprehension having been found to exist respecting the meaning of a part of paragraph 2 of Circular Order of the Sudder Dewanny Adawlut, No. 171, dated 4th March, 1836, viz. as to *what sum* is alluded to at the end of that paragraph in the words "with further interest on *this sum* until the date of payment," it being understood by some to refer to the aggregate sum, principal and interest, mentioned in a former part of the sentence, and by others to mean the principal alone, it is hereby explained by the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad that the "sum" in

question is meant to designate the principal with interest from a certain up to a certain date mentioned, which the Court is directed to decree; a reading which the omission of the parenthetical sentence will render quite obvious.

2d. It is further noticed that under Construction, No. 715, the costs which may be awarded may be separately chargeable with interest from the date of the decree up to the date of payment.

M. SMITH,
Allahabad, 23rd August, 1842. *Register.*

ABSTRACT.

Explanatory of wording of part of Circular Order, Sudder Dewanny Adawlut, No. 171, dated 4th March, 1836.

(No. 1551.)

To the several Civil Judges in the North-Western Provinces.

The law making no provision for any specific period within which a purchaser of property sold by *Ameens* in cases of execution of decree shall pay in his purchase-money, the Courts of Sudder Dewanny Adawlut for the Lower and North-Western Provinces are pleased to determine that the "ishtihar" or notice of sale in such cases shall contain the following particulars:

1. A deposit of 10 per cent on the amount proceeds shall be required to be made at the time of sale by the purchaser, on whose failure to comply with this requirement the property shall be forthwith put up again, and sold.

The full amount of the purchase-money on Sales of *real property* shall be made good by the purchaser within 15 days from the day of sale, in default of which the deposit will be forfeited, and the property be re-sold at the risk of the first purchaser, who shall forfeit all advantages and make good all losses.

3. The entire sum bid for *moveable property* shall be paid up within 24 hours from the time of sale, and before delivery of the property, subject to the penalty provided in the preceding rule:

4. In the event of a sale not becoming final, the amount of deposit forfeited shall be carried to the credit of the owner of the property, for the benefit of the decree-holder, after deducting therefrom the commission of the Ameen on the Sale.

M. SMITH,
Allahabad, 23rd August, 1842. *Register.*

ABSTRACT.

Defines time and mode of payment of purchase-money in Sales made by Ameens in execution of decrees, with penalty of non-payment.

(No. 1588.)

To the several Civil Judges in the North-Western Provinces.

The Court transmit for the information and guidance of the Judges, and for communication to the Principal Sudder Ameens a Copy of a Resolution dated 4th July

1834, regarding the local investigation of objections which may be urged against execution of decrees of the Sudder Dewanny Adawlut in certain cases.

M. SMITH,

Allahabad, 26th August, 1842. *Register.*

Resolution of the Presidency Court of Sudder Dewanny Adawlut, dated the 4th July, 1834.

Present:—R. H. Rattray, H. Shakespear, W. Braddon, C. R. Barwell, and T. C. Robertson, Esquires, Judges.

The Court have been pleased to adopt the following Rule of Practice to simplify the process for the execution of Decrees issued from this Court.

Whenever it may be necessary under any of the circumstances stated in Clause 8, Section 15, Regulation XXVI. 1814 to issue a notice calling on the party against whom execution is sued to shew cause why it should not be executed, it will be sufficient to direct the Zillah or City Judges to issue the required notice. If no objections be made by the party against whom execution is sued, the Zillah or City Judge will proceed to execute the Decree in the usual manner, without further reference to this Court. Should any objection be urged, the Judge will make the necessary investigation, reporting the result for the orders of the Court and staying further proceedings in execution pending the reference.

(True copy.)

M. SMITH,

Register.

(No. 1697.)

To the Civil Judges in the North-Western Provinces.

In continuation of Circular Order, No. 1365, dated 26th July last, and published in the Oordoo Gazette of the 9th ultimo, the Court notify that, under the operation of Rule 3 of that order, the last part of Rule 2 of the 4th August 1840, prohibiting the Judges, Members of the divisional Examining Committees, viz. of Zillahs Bareilly, Agra and Benares, from granting Certificates of eligibility for examination for diplomas, to applicants, must be considered as superseded.

M. SMITH,

Allahabad, 2nd September, 1842. *Register.*

(No. 1745.)

To the several Civil Authorities in the North-Western Provinces.

The Court notify, for general information, that, in order to promote the convenience of the public, the Sudder Board of Revenue have been pleased to issue a Circular Order allowing Tuhseeldars to grant, on application, copies of Official documents in the Revenue department to suitors in the Civil Courts.

M. SMITH,

Allahabad, 9th September, 1842. *Register.*

ABSTRACT.

Intimates issue by Sudder Board of order allowing Tuhseeldars to give to applicant suitors before Civil Courts copies of Official Revenue papers.

(No. 1754.)

To the Civil Authorities in the North-Western Provinces.

There being reason to suspect the prevalence of an erroneous practice in the Moonsiffs' Courts of acting on the provisions of Clause 4, Section 6, Regulation V. 1831, in *all cases* indiscriminately, involving claims to landed property, without reference to the fact of the application of that Clause being restricted to suits "concerning *the succession or right of inheritance*" to real property. The Court request the particular attention of Judges to the point, in order that if the written notification of claim with a requisition to claimants to attend, be found to be issued in cases *other* than those to which the rule applies, the practice may be at once checked.

M. SMITH,
Register.

Allahabad, 9th September, 1842.

ABSTRACT.

Cautions Judges against Moonsiffs' being allowed to act on Clause 4, Section 6, Regulation V. 1831, in suits to which its provisions do not apply.

(No. 1817.)

To the Civil Authorities in the North-Western Provinces.

Instances having come to the notice of the Court in which suits have incurred dismissal on default under the first Section of Act XXIX. 1841, owing to the negligence in not proceeding with the case, of the Wukeel of Plaintiff or Appellant, the Court draw the attention of the Civil Courts to the following remarks and order:

2nd. The Court observe the terms of Section 1 of the above Act are very decided in their character, unqualifiedly declaring that a suit or appeal not proceeded with for six weeks *shall, as of course* be dismissed; no proceeding on the part of the Court before which it may be pending, and no motion by the opposite party or otherwise being needed.—In other words, a suit incurring such a contingency becomes of itself extinct, and at an end, the sole exception being where the Plaintiff or Appellant may, by special application made *before the expiration* of the period named, have shewn to the Court good and sufficient cause for granting further time. When, therefore, a case may have been legally dismissed on default under the above law, no remedy remains (for the presiding Judge could, on review, pass no different order from the first) save reinstitution under Section 2, and when that is barred by any of the impeding causes recited in the Act,* the suit is altogether lost.

* Note.
On this point see Construction No. 1334 published in Oordoo Gazette of 9th ultimo.

3rd. As these considerations make it imperative to attach so rigorous a penalty to proved instances of cases being in the above mode lost by reason of negligence, and failure to proceed or duly represent their clients, on the part of Wukeels, as shall prevent those persons from compromising or ruining the causes of their employers, the Court are pleased to resolve that whenever such default shall be found to have been incurred from the culpable remissness and negligence of the Plaintiff's or Appellant's Wukeel or Moktar, the Wukeel's sunud shall be held to be "*ipso facto*" forfeited by such omission, and it shall not be in the power of the presiding Judge of the tribunal

where default occurred to grant to such Wukeel a new sunud unless on sanction, expressly obtained of the Sudder Dewanny Adawlut.

M. SMITH,
Allahabad, 16th September, 1842. *Register.*

ABSTRACT.

Intimates establishment of rule for dismissal of Wukeels through whose neglect of their client's interests suits may be dismissed on default according to Section 1. Act No. XXIX. 1841.

(No. 1882.)

To the Zillah Judges in the North-Western Provinces.

It having been ruled that the Sudder Dewanny Adawlut have no jurisdiction whatever in the hearing of appeals in cases originally tried by Moonsiffs and Sudder Ameens, intimation is hereby given that Construction 1003 is accordingly superseded and revoked.

M. SMITH,
Allahabad, 26th September, 1842. *Register.*

ABSTRACT.

Revokes Printed Construction 1003.

(No. 1911.)

To the several Civil and Session Judges in the North-Western Provinces.

The Court request that whenever any of the Ministerial Officers attached to any Court, receiving a salary of not less than 10 Rupees a Month, may be dismissed from the public service for misconduct, a report of the same be submitted, according to the annexed form, with a view to a register of their names being kept in this Office, in conformity to orders recently received from the Honorable the Court of Directors.

2. An extract from the Register will be forwarded to each Judge annually, to enable him to guard against the admission of improper persons into the Public Offices.

M. SMITH.
Allahabad, 30th September, 1842. *Register.*

Ministerial Officers of the Civil Court of Zillah ——— dismissed from Office for misconduct.

1	2	3	4	5	6
Name of the Employee.	Name of his Father.	Office held by him.	Cause of Dismission.	Date of Dismission.	Remarks.

(No. 1914.)

To the several Civil Authorities in the North-Western Provinces.

The Courts of Sudder Dewanny Adawlut for the Lower and Western Provinces notify, for general information and guidance, the fact of the incompetency of Wukeels in suits to receive, without a special power, sums realized in execution of decrees.—They observe that the powers conferred on a Wukeel cease on the enforcement of the decree, that is, on payment of the money (if money be decreed) into Court.—Taking the money out of Court is a subsequent and separate transaction and should not be permitted to a Wukeel, except where his Wukalut-namah, by a special Clause to that effect, or any separate instrument, may distinctly confer on him the authority to receive it.

M. SMITH,
Allahabad, 20th September, 1842. *Register.*

ABSTRACT.

Notifies incompetency, save on authority specially conveyed, of Wukeels to receive sums paid into the Civil Court in execution of decrees.

(No. 1995.)

To the several Civil Authorities in the North-Western Provinces.

The atttention of the district Civil authorities is called to the effect of Section 3, Act No. XXX. 1841, under which the prohibition against Moonsiffs' realizing fines imposed by them for disrespectful behaviour in open Court without previous report to the Judge, is removed; and according to which Principal Sudder Ameens and Sudder Ameens are left at liberty to realize by their own authority, any fines which they may impose under the general Regulations; Section 42, and the further proviso of Section 74, Regulation XXIII. 1814, (the latter having been applicable to Principal Sudder Ameens agreeably to the first part of Clause 4, Section 18, Regulation V. 1831) having been both rescinded. Act No. XXX. 1841, is thus the sole law under which contempt of Court can be penally visited by the native tribunals.

M. SMITH,
Allahabad, 17th October, 1842. *Register.*

ABSTRACT.

Calls attention to Section 3, Act XXX. of 1841, relative to power of the Native tribunals to realize fines for contempt of Court.

(No. 2074.)

To the Civil and Criminal Authorities in the North-Western Provinces.

With the sanction of Government, it is notified, for the information and guidance of all public officers at the head of establishments containing records, that, in future, any officer who permits the records of his office to fall into disorder shall be held responsible to Government for the expenses incurred in their re-adjustment; and any functionary

receiving charge of an office, the records of which may be in disorder, or so immethodically arranged as to prevent the ready production of papers when called for, who shall fail to make a timely report of their state, will be similarly held answerable for the outlay attending the assortment and arrangement of the records.

M. SMITH,

Allahabad, 4th November, 1842. *Register.*

ABSTRACT.

Communicates rules regarding responsibility of heads of offices in the matter of the arrangement of records.

(No. 2111.)

To the Civil Authorities in the North-Western Provinces.

A practice being believed to be common, though unsupported by warrant of any law, of the Civil Courts *directing* the filing of supplemental plaints, and stating the points and dictating the terms on and in which they are to be given, the Courts of Sudder Dewanny Adawlut for the Lower and Western Provinces, intimate that such a procedure is to be considered by the Courts as strictly prohibited for the future, and that their authority is to be held to extend no further than consists in the *allowing* one supplemental plaint or answer to be filed on the application of the party wishing to do so, without power to dictate to the parties, or order one to be filed in the absence of such application.

M. SMITH,

Allahabad, 15th November, 1842. *Register.*

ABSTRACT.

Prohibitory rule as to *direction* of supplemental plaints by the Civil Courts.

(No. 2183.)

To the several Civil Authorities in the North Western Provinces.

In continuation of Circular Order, No. 1817, dated 16th September, and published in the Gazette of 18th October 1842, the Court request that the words "*after due enquiry*" may be supplied after the words "such default shall be found" in line eleventh from the end of the Circular, and, further, prescribe the following addendum:—

Paragraph 4,

The subordinate Judicial Officers will immediately report to the Zillah Judge the occurrence of any cases of the kind described in their own courts, with a view to his directing the dismissal of the Wukeel.

M. SMITH,

Allahabad, 19th November, 1842. *Register.*

ABSTRACT.

Prescribes addendum to Circular Order, dated 16th September, 1842, touching forfeiture, in certain cases, of Wukeel's Sunuds.

(No. 2230.)

To the Civil Judges in the North-Western Provinces.

With reference to the orders of Government re-published with the Court's Circular, No. 1108, dated 20th June, and contained in the Urdoo Gazette of 5th July last, in which it is provided that "Candidates for Judicial Offices shall certify in their applications that they are not engaged in any trading speculations," the Court are pleased to direct that in all nomination Statements for Moonsiffships sent up in future, according to the form prescribed by Circular Order, No. 88, dated 14th June, 1833, the Judges will alter column 11, the present heading of which is as noted in the margin * in the mode following; "Certificate that the nominee is not disqualified by any Regulation, and that he is not engaged in trade or trading speculations," and will supply, beneath, the information required by such altered heading.

* Certificate that the nominee is not disqualified by any Regulation, and general Remrks.

M. SMITH,
Register.

Allahabad, 2nd December, 1842.

ABSTRACT.

Prescribes an addition to Moonsiff's nomination statement connected with prohibition to Judicial Officers to trade.

(No. 2252.)

To the Civil Authorities in the North-Western Provinces.

With reference to an instance brought to the notice of the Court of Sudder Dewanny Adawlut, of the annulment of a sale on account of revenue arrears, in consequence of delay that occurred in a Judge's Office in forwarding the notices of sale prescribed by Section 8, Act No. XII. 1841, as soon as received from the Collector to the lower courts, the court call the attention of the Civil Courts to the necessity of using despatch, and avoiding all delay in the distribution, affixation, and certificate of receipt of sale notices sent under the provisions above quoted.

2. Judges will be pleased to call the attention of the subordinate courts to this Circular.

M. SMITH,
Register.

Allahabad, 2nd December, 1842.

ABSTRACT.

Enjoins despatch in issue of sale notices to lower courts under Section 8, Act XII. 1841.

(No. 2435.)

To the Civil and Criminal Authorities in the North-Western Provinces.

The Court are pleased to direct that Officers indenting on the Government Lithographic Press for forms of Statements, &c., will forward to the Superintendent with

their indents, a specimen of the smallest size of paper on which the forms may be executed without material inconvenience.

M. SMITH,
Register.

Allahabad, 28th December, 1842.

(No 11.)

To the several Civil and Criminal Authorities in the North-Western Provinces.

Under instructions from Government, the Court notify, for correction, the following erratum in the printed copy of Act No. X. 1841.

M. SMITH,
Register.

Allahabad, 6th January, 1843.

ABSTRACT.

Notifies, for correction, an erratum in printed copy of Act X. 1841.

Extract of letter, dated 18th November, 1842, *from Officiating Secretary to Government of India.*

In the printed copy of Act X. 1841, an error occurs in Section 3, in reference to an Act of the British Legislature. The Act quoted is 3 and 4, William IV. Chapter 35, instead of Chapter 55, of the same Sessions, which was meant to be quoted.

[*True Extract.*]

M. SMITH,
Register.

(No. 133.)

To the several Judges in the North Western Provinces.

With reference to Circular Order of the Sudder Dewanny Adawlut, No. 1143, dated 24th June, and published in the *Oordoo Gazette* of 4th October last, the Court are pleased to circulate, for the information and guidance of all the Civil Courts in the matter of the wording and execution of decrees for landed Estates, Extract—paragraphs 214 to 217, both inclusive—of the Sudder Board of Revenue's. Printed Circular, No. III. the principle of which has been approved of by Government.

M. SMITH,
Register.

Allahabad, 24th January, 1843.

ABSTRACT.

Circulates extract of Sudder Board's Circular, No. III. for regulating the wording and execution of decrees for land.

Extract, paragraphs 214 *to* 217, *of the Sudder Board of Revenue's Printed Circular, No. III.*

Para 214.—If by reason of a sale, by order of a Court of Justice, of the entire right and interest of any lumberdar, or by reason of decree of a Court of Justice declaring

any given lumberdar to possess no right and interest, a vacancy of one among several lumberdars should occur, a succession must be appointed according to the constitution of the village.

215.—If a decree of Court declare any individual, or a party of individuals, entitled to the entire possession of a Muhal or Mouzah, to the exclusion of those now under engagement with Government, and the decree be executed; in the former case, the one individual must be recorded lumberdar, and the necessary mutations made: in the latter case, such number of individuals, as the Collector may consider expedient, not exceeding the number fixed at the Settlement, must, on the whole body giving in an agreement to that effect, be recorded lumberdars, and the requisite mutation made.

216.—If a decree of Court declare a single individual, or a body of individuals, to be proprietors of a distinct puttee in any muhal, to the exclusion of those now in possession; and there have been, at settlement, a separate lumberdar recorded for that puttee; in that case the individual, or the nominee of the body, will become the lumberdar, and the mutation of names must be made in the Malgoozaree Register accordingly.

217.—The Courts are not authorized to direct a party, in whose favour a decree may be given for a specific interest in a joint property, to be recorded a lumberdar; the appointment of representatives to transact the affairs of the estate, being a matter arranged between Government and the body of proprietors at the time of settlement.

But the Court may, at all times, direct the share decreed, to be separated and formed into a new Muhal with its own separate jumma. The mode in which this is to be effected by the Collector, according to the constitution of the tenure, will be found under the rules of partition in the 10th Section.

(True Extract.)

M. SMITH,
Register.

(No. 151.)

To the several Civil and Criminal Authorities in the North-Western Provinces, including Saugor, Kumaon and Subathoo.

The Court direct the communication to the several authorities subordinate to them, of the annexed two Circulars, dated 23rd November last, from the Secretary to the Government of India with the Governor General, touching the mode of abstracting * and transmitting official letters; and they desire compliance on the part of all Officers with the instructions therein contained.

* Vide Circular Order of the Court, No. 2135, dated 13th November, and published in the *Urdu Gazette* of 9th December, 1840.

M. SMITH,
Register.

Allahabad, 24th January, 1843.

ABSTRACT.

Circulates Government instructions relative to the Docketting and Abstracting of letters.

Much misconception appearing to exist as to what is really required from Officers who are instructed to annex to their letters abstracts thereof; I am directed to intimate to you, that by an "Abstract" is not to be understood a mere statement of the matter

to which the letter or paragraph may refer, but an epitome thereof—that is, such a statement of the tenor and substance of the letter or paragraph, as may suffice to give a general, but a correct, idea of its purport. In many cases the "Abstract" so made, will be found to be a sufficient substitute for the letter originally intended to be sent, conveying all the information which it is essential that the person addressed should possess, in a small and convenient compass. A letter possesses the highest merit, when it conveys all that it is essential to communicate in so compressed a form as to make an abstract impossible; and this merit will be most readily attained by writing naturally, as the events to be related would be told in verbal communication where time was of some value.

The Governor General, taking into consideration the unnecessary expense and loss of time occasioned by the practice of transmitting letters received in covering letters, wherein is stated no more than the fact of such transmission, is pleased to direct, that where the Officer transmitting a letter received shall not have occasion to add any thing to the statement of the fact that he so transmits the same, such letter shall be henceforth transmitted in a blank cover, and the transmitting Officer will endorse the letter transmitted in the following form:—

Forwarded by ——————————————
To ——————————————
(Date.)

And so on, as often as the letter may be similarly transmitted by different Officers.

A draft of the Form is enclosed.

M. SMITH,
Register.

—————— 1842. —————— Department.
From ——————————————
To ——————————————
Date ——————————————
Received ——————————————

No.

(Subject.)

Forwarded to the Secretary to the Government of India.
By ——————————————
Date ——————————————

(No. 201.)

To the several Judges in the Lower Provinces.

It being deemed desirable, with a view to prevent inconvenience, to define and limit the course of proceeding to be followed by heads of offices on requisitions being made to them for the deduction of the salaries of their subordinates in satisfaction of decrees of Court; the Courts of Sudder Dewanny and Nizamut Adawlut at Calcutta and Allahabad, call the attention of the authorities under them to the following rule:—

2d. In cases of the nature described, officers should abstain from passing any orders or making any requisitions, except regarding monies which may be in any office actually due to a defendant, unless both parties appear and agree to a compromise and assignment, in which case, the duty of the Judge or Officer sending the requisition,

will be confined to making known to the head of the office to which defendant may belong, that such an arrangement has been made—at the same time striking the case off his file, and leaving the completion of the arrangement to the parties concerned.

M. SMITH,

Allahabad, 20th January, 1843. *Register.*

ABSTRACT.

Defines and limits course to be followed on occasion of requisitions to heads of offices, for deduction from salaries of subordinate servants on account of decrees.

Rule of Practice by the Sudder Dewanny Adawlut.

All rules of practice under Act XVII. 1841, to be drawn up in English and Urdu, and hung up at the entrance of the Court House, for one month, to enable the public to suggest alterations, or offer objections, previous to submission to the Supreme Government for approval.

M. SMITH,

Allahabad, 20th January, 1843. *Register.*

(No. 202.)

To the several Civil Authorities in the North Western Provinces.

It is hereby notified, for the information and guidance of all the Courts, that the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad have ruled that, by Section 18, Regulation X. 1829, any Wukeel, or authorized pleader or Mooktar, who shall present any paper, petition, or any deed or document requiring to be stamped, on unstamped paper, or paper not bearing the proper stamp, must forfeit five times the amount of the stamp which ought to have been used in the one case, or five times the difference in the other: that by Construction No. 1,120 the Civil Courts having no discretion left to them, must in all cases levy the fine prescribed by the Section cited from any Wukeel, authorized pleader, or Mooktar appointed under Regulation XII. 1833, who may file any paper contrary to the provisions of that enactment; and that from the very comprehensive terms employed, petitions of plaint and of appeal, regular and special, and applications for review of judgment, are included in those terms.

M. SMITH,

Allahabad, 20th January, 1843. *Register.*

ABSTRACT.

Declares extent of applicability of Section 18, Regulation X. 1829, as regards the penalty imposable there-under.

(No. 286.)

To the Civil Authorities in the North-Western Provinces.

The Courts of Sudder Dewanny Adawlut for the Lower and Western Provinces, circulate the subjoined amendment of an error in the Persian and Bengalee Versions of Article 4, Schedule A., Regulation X. 1829.

غلطنامه

سنه ۱۸۴۹ ع کے ۱۰ قانون کي پہلي فہرست کي جو تھي صد کے چھٹھي رقم کي اصلاح •

غلط و درزايد از چهار صد تا هشت صد ۱ روپيه ۱ روپيه صحيح و درزائد از چهار صد تا هشت صد

۱ روپيه ۱ روپيه و ۸ آنه

M. SMITH,
Register.

Allahabad, 14*th February,* 1843.

(No. 404.)

To the several Civil and Sessions Judges in the North-Western Provinces.

To guard against the possibility of dismissed Officers obtaining service in other Districts, by change of names or other means of disguise, the Court are pleased to direct the addition of a column, containing a descriptive roll of the dismissed Officer, to the form prescibed by their Circular Order, No. 1911, dated 30th September, and published in *Oordoo Gazette* of 18th October, 1842.

2. The extracts from the Register of public servants dismissed for misconduct, which may be sent to Judges from this office, should be communicated to the several authorities of the District, so as to make the Register of each Department available to the heads of the other Departments.

M. SMITH,
Register.

Allahabad, 3*rd March,* 1843.

ABSTRACT.

Directing an additional column of descriptive roll, in register regarding dismissed Officers.

(No. 620.)

To the several Civil Judges in the North-Western Provinces.

With reference to the Circular instructions,. noted in the margin,* the Court of Sudder Dewanny Adawlut are pleased to circulate extracts, para. 15 of Judge of Furruckabad's report on the administration of Civil Justice for 1842, and paragraph 13 of their reply, and to request that the Judges will inquire and report whether the Circular Orders quoted are duly conformed to.

* Paragraph 4, of Circular Order of Sudder Court dated 18th September—and paragraph 2, of Circular Order of Sudder Board dated 11th September, 1840, published in *Urdu Gazette,* of 18th November, of same year.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 30*th March,* 1843.

ABSTRACT.

Circulates extracts of letter from Judge of Furruckabad and of Court's reply, in the matter of keeping accounts of deposits between Moonsiffs and Tuhseeldars; and requests the Judges will report if the Circular Instructions of the Court and Sudder Board of Revenue on the subject, are duly conformed to.

Extract, paragraph 15, *of a Report on the Administration of Civil Justice for* 1842, *from Judge of Furruckabad to the Register Sudder Dewanny Adawlut, North-Western Provinces dated the* 31*st January,* 1843, *No.* 21.

Para. 15.—I experienced much difficulty in the early part of my stay here, from the careless and immethodical way in which the Mofussil Moonsiffs kept their amanut accounts with the Tuhseeldars. Indeed, I found that up to the time of my arrival, the Moonsiffs of Kaemgunj, and Doondwara had kept *no account of the kind,* and the late Moonsiff of Kunouj, at the time of his suspension, had 70 rupees in his hands, which he had some difficulty to account for. In the course of the year these matters have all been set to rights; and the debtor and creditor account, which each Moonsiff sends up with the Tuhseeldar's receipt for my inspection at the end of every month, insures correctness on both sides. I would recommend this matter to my brother Judges, as it is a very important one.

Extract, paragraph 13, *of a letter from Officiating Register Sudder Dewanny Adawlut, North Western Provinces, to the Judge of Furruckabad, dated,* 30*th March,* 1843, *No.* 626.

Para. 13.—The Court observe that the Circular Order, of the 18th September, 1840, No. 107, issued by them, and the corresponding instructions of the Sudder Board of Revenue on the subject, provided how the account of deposits should be recorded between the Moonsiffs and Tuhseeldars—and, the form being so simple, they would not suppose error or omission could have occurred. Extract, paragraph 15 of your letter and this paragraph will be circulated to the Judges generally, for their caution in this particular, and for the correction of any irregularity found to prevail.

(True Extracts.)

G. F. EDMONSTONE,
Offg. Register.

(No. 625.)

To the several Civil Judges in the North-Western Provinces.

The experiment for the supply of Serampore paper, for the purpose set forth in the Circular Order of this Court, No. 488, dated 14th March, and published in the Urdu Government Gazette, of the 10th May, 1842, not having been found so successful as was anticipated; the Court are pleased, with the sanction of Government, to intimate that the Circular Order in question is superseded, and that Principal Sudder Ameens are authorized to supply themselves with Serampore or Europe paper, on which to engross the Decrees of their Courts, which are to remain with the record.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 1*st April,* 1843.

ABSTRACT.

Rescinds Circular Order, No. 488, dated 14th March, 1842.

(No. 631.)

To the several Civil Judges in the North-Western Provinces.

The Court annex, for the information and future guidance of the several Civil Judges in the North-Western Provinces, Extract [paragraph 2,] of a letter addressed by their order to the Judge of Ghazeepore, touching the execution of Decrees through the agency of the Revenue Authorities, who will be guided in their conduct by the Circular Orders particularized in the margin.*

* Para. 3, Circular Order, Sudder Dewanny Adawlut, No. 127, dated 12th Decr. 1834. Circular Order No. 163, dated 11th Decr. 1835. Circular Order, No. 28, dated 21st Decr. 1838, under "Heading No. 10."

2. The issue of these instructions has been intimated to the Sudder Board of Revenue, North-Western Provinces, who have been requested to address corresponding orders to the Authorities subordinate to them.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 31st March, 1843.

ABSTRACT.

Appends Extract of a letter to address of Judge of Ghazeepore, touching execution of decrees through the Revenue Authorities.

Extract, paragraph 2, *of Officiating Register's letter, No.* 604, *dated* 28*th March,* 1843, *to the address of the Judge of Ghazeepore.*

Paragraph 2.—It is evident from the explanations offered by the Collector, that the delay, of which you complain, has been, in the majority of instances, occasioned by the default of the Decree holder in advancing Ameen's fees, or his failure in other necessary process: in such a contingency, the Court see no objection to the adoption of the course suggested in the 2nd paragraph of your letter above cited. If the case be pending before the Collector, and the Decree holder fail to comply with any requisition, obedience to which may be a necessary preliminary to the execution of his Decree, the Collector might strike the case off his file, and give intimation to the Judge of his having done so: the Judge, on receipt of such intimation, might adopt a similar course of procedure, and leave to the Decree holder the option of re-instituting proceedings at his discretion.

(True Extract.)

G. F. EDMONSTONE,
Offg. Register.

(No. 767.)

To the several Civil Judges in the North-Western Provinces.

In Circular Orders of Sudder Dewanny Adawlut, No. 2103, dated 30th October, 1840, the Civil Judges in the North-Western Provinces were informed of an arrangement, adopted under instructions from the Supreme Government, for the purpose of securing to the Zillah Courts, when required, an exposition of Hindoo Law from a regularly constituted office, in substitution of the system which had up to that time existed, and under which a Hindoo Law Officer was attached to the establishment of each Zillah Court; in pursuance of the principle described in the 2nd paragraph of the Circular referred to, three* Provincial Circles

* Benares, Cawnpore and Dehlie.

were established, and the Pundits therein named were vested with jurisdiction as Hindoo Law Officers in each of the Zillahs comprised in their respective Circles. Experience, however, has proved, that the requisitions of the Zillah Courts for opinions on points of Hindoo Law, are so infrequent that a single Pundit may easily attend and réply to all, and has suggested the inutility of maintaining the Provincial offices of that nature.

2nd. The Court are pleased to notify, for general information, that under the authority of Government, the office of Provincial Pundit has been abolished, and to direct that from and after the promulgation of this order, the Zillah and City Judges shall, on all occasions, when an exposition of the Hindoo Law may be required, address their applications to the Sudder Pundit,* who has been constituted sole Hindoo Law Officer for the jurisdiction of the North Western Provinces.

* Shevochurn Bajpeeye.

3rd. This is to be understood as superseding the Circular Orders of Sudder Dewanny Adawlut, North-Western Provinces, No. 2103, dated 30th October, 1840.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 24th April, 1843.

ABSTRACT.

Notifies the abolition of the office of Provincial Pundit, and directs that Judges shall, on all occasions, where an exposition of the Hindoo Law may be required, address their applications to the Sudder Pundit.

(No 789.)

To the several Civil Authorities in the North-Western Provinces.

The Courts of Sudder Dewanny Adawlut, having had under consideration the practice, which now obtains, in regard to the transmission of the requisitions of Moonsiffs to the several Judicial and Revenue authorities, and from the representations laid before them on that subject, being of opinion, that the practice of constituting the Zillah Judge, to whom the Moonsiff may be subordinate, the channel for making such requisitions, answers no useful purpose, while it tends to impede the despatch of business in both Courts, are pleased to prescribe the following rules to be observed in future, in such cases.

2. Paragraph 5, of the Circular Order, dated 16th November, 1839, is hereby rescinded, and the rules contained in the remaining paragraphs of that Circular are extended to the Courts of Moonsiffs, with the exception, that, when a Moonsiff may have occasion to employ the Government Post as the channel for conveying any requisition or application to the authorities, or persons referred to in the Circular Order above cited, or to Mahomedan or Hindoo Law Officers, as mentioned in Circular Order, No. 1409, dated 5th August, 1840, he shall enclose his requisition, or application, in an open envelope, and transmit the same to the Zillah Judge, who, with due observance of the Post Office rules, will seal, frank, and forward the same for despatch to its destination.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 28th April, 1843.

ABSTRACT.

Prescribes rules touching method and channel of conveyance by Post, of Moonsiff's requisitions to Judicial and Revenue authorities.

(No. 817.)

To the several Zillah and City Judges in the North-Western Provinces.

Whereas the quarterly statements of requisitions relating to execution of decrees, required by the Circular Orders Sudder Dewanny Adawlut, No. 127, dated 12th December, 1834, and No. 88, dated 19th June, 1840, to be forwarded to the Commissioners of Revenue, and to the Court respectively, are in many cases extremely voluminous, and whereas the bulk of the statement may be largely reduced without any diminution of its utility, as a check and preventive of delay on the part of the revenue authorities in attending to the requisitions of the Civil Courts, the Court are pleased to notify, for the information and guidance of the zillah and city Judges, the following modifications of the Circular instructions above referred to.

2nd. It shall not be necessary in future to include in that copy of the statement to be transmitted to the Commissioner of the division any other cases, than those in which delay is imputable to the Collector, and is not satisfactorily accounted for by the explanatory remarks, which that Officer is required to append to the statement; while this will save the labor and time expended in the transcription of much useless and irrelevant matter, it will leave the document as efficient as it has been found hitherto, for all purposes of supervision and control.

3rd. The statement, which will as heretofore be submitted for the revision of the Court, will comprise all cases, in which requisitions for their aid in execution of a decree may have been made to the Revenue authorities, and in which the decree may remain unexecuted at the *time* of the *preparation* of the required report; such as have been fully enforced previous to that period, may be omitted, the object of the return being the detection and correction of dilatory conduct in this matter on the part of Collectors, and not the compilation of a Register of such cases, instituted, pending and disposed of within the quarter.

4th. In the statement, however, which the zillah and city Judges are required to forward for the information of the Court, they should indicate, by a note in the column of remarks, those cases which have been excerpted therefrom, and have been forwarded to the Commissioner, with a view to the interposition of his authority in expediting the disposal of them, as directed in the 2nd paragraph of this Circular.

5th. The first report under these orders will be made for the quarter ending 30th June, 1843.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 1st May, 1843.

ABSTRACT.

Modifies Circular Orders No. 127, dated 12th December, 1834, and No. 88, dated 19 June, 1840, touching the quarterly statement of unexecuted decrees, furnished by Judges to Commissioners of Revenue and Sudder Dewanny.

(No. 842.)

To the several Civil and Criminal Authorities in the North-Western Provinces, the Commissioner of Kumaon, and the Sessions Judge of Saugor and Nurbudda territory.

Recently frequent instances have come under the notice of the Court, in which the papers filed with the record of a case, either called for, or sent up in regular course, have not corresponded with the lists prefixed to the "*misl*," or in which certain parts of the record have been found to bear marks of correction and interpolation, the origin and authenticity of which it is hardly possible, without some more efficient check than at present exists, to ascertain. The Court, therefore, with the view of preventing the inculpation of persons innocent of such interpolation, whether fraudulent or otherwise, and of obviating the necessity of frequent references to the Zillah Courts regarding discrepancies, between the papers on record, and the lists prefixed to them, which examination on their receipt in this Court may elicit, are pleased to direct, that in future a report, signed by the Record keeper and attested by the the Judge of each Zillah Court, containing a specification of corrections or interpolations in the pleadings or evidence filed with the case, and certifying, that previous to despatch, the papers of the misl have been on examination found to correspond with the prefixed list, shall invariably accompany every record, which may be forwarded, either in accordance with a requisition of the Court, or in due course of practice.

2nd. This rule is, mutatis mutandis, to be considered applicable to Sessions Judges in sending up records of trials for sentence, or in referring cases for order or opinion according to the provisions of Act XXXI. of 1841, and generally on every occasion, which may render the transmission of vernacular proceedings necessary.

3rd. The Civil and Sessions Judges are hereby required to enjoin the observance of a similar practice on their subordinates respectively.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 1st May, 1843.

ABSTRACT.

Directs that on every occasion of transmission to the Sudder Court of vernacular proceedings, a report from the Record keeper, attested by the Judge, of corrections and interpolations in the papers, and a certificate of their correspondence with the list, prefixed, shall accompany the record.

(No. 866.)

To the several Civil and Criminal Authorities in the North-Western Provinces.

With reference to the provisions of Act I. of 1843, which enact that henceforward all registered documents shall take precedence of others not so attested, the Court conceive that a due regard to the security of the interests of Government requires, that all security bonds executed by the sureties of Treasurers, Nazirs and other ministerial officers attached to the Judicial Courts, should be duly registered in conformity to the conditions of the enactment cited, and are accordingly pleased to direct, that all such, and other documents likewise of a similar character, by the annulment or repudiation of which, the interests of Government are liable to be injuriously affected, shall be subjected to registery, and that such registration shall be deemed by the Civil and Criminal

Authorities in the North-Western Provinces, an indispensible preliminary to their acceptance, as good and valid engagements. The fees attendant on this process must be defrayed by those from whom security is demanded, and whose tenure of office is dependant on their compliance with such requisition.

2nd. As the validity of deeds, bonds, and documents of every description, executed previous to the passing of this enactment, is not affected by its provisions, the registration of such need not be insisted on; these instructions are intended to have prospective effect only.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 2nd May, 1843.

ABSTRACT.

Directs registration, prospectively of all security bonds executed by the sureties of Treasurers, Nazirs and other ministerial officers attached to the Judicial Courts.

(No. 941.)

To the several Civil and Session Judges in the North-Western Provinces.

There being reason to believe that specifications of additional documents are sometimes inserted in applications for copies of papers, after the presentation of the application and the passing of an order for granting copies of the paper originally applied for, the Court, with a view to prevent such a practice, direct that petitioners be in future required to mention in words the number of documents of which transcripts are required, and to insert the date of application immediately after the list of papers.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 19th May, 1843.

ABSTRACT.

Petitioners required to mention in words the number of documents of which transcripts are needed, and to insert the date of application just after the list of papers.

(No. 981.)

To the several Civil Authorities in the North-Western Provinces.

Numerous recent instances of the detection of fraud in the surreptitious abstraction from civil records of stamped paper already once filed in Court, and applied to its destined use, and of the refiling of the same a second time after washing or otherwise obliterating the original writing thereon, sometimes in real, but often in fictitious cases, have led the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad, in conjunction with the Board of Customs and Revenue, to consider what are the most effectual means of checking the recurrence of such frauds, with a view to prescribing some general precautionary rule for the prevention of practices, which cause serious loss to the State, and which, it is obvious, the warning conveyed by Circular Order of

the Court, No. 142, dated 10th April, 1835, announcing a discovery of similar malpractices in zillah Futtehpore, has not served to repress.

2. Frauds of the nature alluded to are understood to have been usually effected in two ways:—1st. By abstracting from the old "nuthees" of decided suits, sheets of blank stamp paper, not unfrequently found to have been filed with the record, in consequence of no paper of the exact value wanted having been in store at the time with the stamp officer or vender, and appropriating the same for a fresh suit. 2d. By abstracting from the record old *written* stamps, and refiling the same as new, after erasure of the former writing by washing or some chemical process.

3. The Court observe, that in the Futtehpore frauds, and on an occasion lately reported by the Judge of Cawnpore, the connivance or confederacy of Government servants connected with the record office was proved or suspected—and it will be obvious, that the abstraction of stamps from misls could seldom occur without the knowledge or culpable negligence of the Umla of the record department: but as a penal visitation on those officials by dismissal or criminal prosecution can only meet the particular occasion of fraud, without producing any general or extensive moral effect in deterring others, beyond the locality or district where it may occur, it appears desirable to devise a plan that may operate as an effectual preventive and bar to the acts now denounced.

4. The Court are accordingly pleased to direct as follows:

To prevent a repetition of the *first* kind of fraud described in paragraph 2 of this Circular, Judges will cause the records of decided suits deposited in the dufturs, both of their own and the subordinate Civil Courts, to be inspected, and where any blank stamps may be found, will destroy the same, certifying in Oordoo, attested by their full English signature, on the back of the paper on which the plaint has been written, to the left hand side of the lower stamp, that a piece of stamp paper of such a value, bearing such a number and endorsement of the vender, filed with the stamp whereon the certificate is written, as having been required to make up a given amount of stamp duty, has been destroyed in their presence. A similar course will be followed in regard to blank stamps of this kind that may hereafter be filed in any Court, when the case shall have been finally decided—but not prior to such decision.

5. To obviate the commission of the *second* kind of fraud, the Court have resolved on directing the *punching* of all stamp paper once given into any Court, applied to its destined use, and *not liable to be returned to the party filing it*, and consequently no longer legally available for any other purpose, by which means both a permanent mark will be affixed, and the written stamp remain uninjured for objects of record.

6. It is therefore ordered that no writing shall be engrossed on the face or reverse of any stamp impression, and that each sheet of stamp paper filed in any Civil Court, Native or European, for permanent retention with the record, shall have a circular piece, of $\frac{3}{8}$ of an inch diameter, cut out from the upper circular stamp (whether of the Stamp Office or the Treasury) by the aid of an instrument similar to the wad-cutter of a gun, it being essential to enjoin one uniform mode and part of the stamp for performing the operation, as a guide to the eye where to look in order to the detection of any filling up of the hole in the punched paper, which must be supposed to have been effected, or attempted prior to a fraudulent presentation over again, of an already used stamp. While the removal of a part of the inscription of the stamp will render the restoration of the characters defaced, extremely difficult, the size of the part so removed cannot in any case so mutilate the impression, but that sufficient must remain to indicate the value of the stamp and the office in which it was impressed, independently of the impression at the lower end of the paper.

7. It is meant that the stamps in *all decided cases*, as well as those now filing or to be filed, shall be subjected to this process. In the *former* case, Judges will confide the duty to their Sarishtadar or record-keeper, themselves afterwards inspecting each case, in bundles of 20 or 40 at a time, to satisfy themselves, before return of the record to the duftur, that what was required has been duly performed. This will also present a good opportunity for examining, whether any stamps are missing from old decided suits, which may have been abstracted for the purpose of being filed over again. As respects cases now pending, the same course will be followed after decision, before their final consignment to the duftur of the zillah court.

8. As regards plaints and other stamp papers liable to be punched which may be filed after this order takes effect, the duty of using the instrument for punching will be assigned in each Court to the Sarishtadar or other Officer who receives the paper; and Judges of both the zillah and subordinate courts who sign the order for such stamp paper being filed, are cautioned to attach their signature to no paper of the kind requiring to be punched, which has not undergone that process.

9. Officers are at the same time, warned to exercise special care, that documents or exhibits, copies or other authenticated writings, engrossed on stamp paper, which are not required to be kept in the offices to which they may be presented, and *which are liable to be returned to the parties*, are exempted from the punching process: otherwise confusion and further occasion for fraud are likely to arise.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 25th May, 1843.

ABSTRACT.

Precautionary rules for preventing the refiling of used stamps.

(No. 992.)

To the several Civil and Session Judges, and the Magistrates aud Joint Magistrates in the North-Western Provinces.

Persuant to the orders of Government, the Court are pleased to direct that the authorities above mentioned will submit through them all references they may have to make for the opinion of the Advocate General on points of English law.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 26th May, 1843.

ABSTRACT.

References for opinion of the Advocate General on points of English Law to be submitted through the Court.

(No. 1066.)

To the several Zillah and City Judges in the North-Western Provinces.

The Court are pleased to promulgate, for the information and guidance of the Civil Judges in the North-Western Provinces, the following correspondence with the

Sudder Board of Revenue, North-Western Provinces, relative to the adjustment of "wasilat" accounts:

From Officiating Register to Secretary Sudder Board Revenue, North-Western Provinces, No. 763, dated 8th April, 1843.

From Secretary to Sudder Board of Revenue, North-Western Provinces, to Officiating Register, No. 20, dated 12th May, 1843.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 29th May, 1843.

ABSTRACT.

Certain correspondence promulgated for the guidance of Civil Judges, touching adjustment of "wasilat" accounts.

(No. 763.)

To H. M. ELLIOT, Esq.,

Secretary to the Sudder Board of Revenue, North-Western Provinces,
Allahabad.

The question of the adjustment of "wasilat" accounts in the execution of decrees, having been under the consideration of the Judges of Sudder Dewanny Adawlut, who are desirous to prescribe some general rules for the disposal of these troublesome and seldom satisfactory investigations, I am directed by the Court to request that you will ascertain from the Sudder Board of Revenue, their opinion as to the degree of confidence, that may be placed in the "jummabundees" periodically recorded in the Pergunnahs, and Sudder Revenue Offices, in the new form, prescribed by the Board, as *bonâ fide* rent-rolls of the estates to which they relate; and also whether they exhibit accurately the rents, which a proprietor may with proper management collect, and for the non-realization of which he should be considered responsible generally, in any subsequent adjustment of wasilat accounts.

2. The Court suppose that there may be occasions, when the non-realization of the whole rent-roll would involve no neglect or culpability on the part of the incumbent manager; but it would facilitate the execution of their present plan, to be assured by the Board, that such cases form an exception to the general state of things, and that such exceptions are rare, and that it is, in the opinion of the Board, just to throw upon the manager, who may not have realized the entire rent-roll exhibited in the jummabundee, the onus of proving that from circumstances beyond his control, it was not susceptible of realization.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 8th April, 1843.

ABSTRACT.

Asks for certain information to enable the Court to prescribe general rules on the question of unadjusted "wasilat" accounts in the execution of decrees.

No. 20 of 1843.

From H. M. ELLIOT, Esquire,

Secretary Sudder Board of Revenue, North-Western Provinces,

Allahabad.

To G. F. EDMONSTONE, Esquire,

Offg. Register, Sudder Dewanny Adawlut, North-Western Provinces,

Allahabad.

I am directed to acknowledge the receipt of your letter, No. 763, dated 8th ultimo, and in reply to inform you, that the Sudder Board of Revenue are of opinion that in Districts where the Settlement has been completed, and the new system of accounts brought fully into practice, the putwaree's papers as required by Section 7, of Circular Order No. III., will be found to furnish a complete return of the rents of each year for estates paying money rents, and may be taken as a satisfactory basis for adjusting the *wasilat* accounts of such estates, in execution of decrees of Court.

2. Cases will readily occur to the Court, in which, for obvious reasons, attempts may be made to falsify the accounts of estates under litigation; but it can rarely happen, the Board remark, that any material falsification of an account will escape detection, if care be taken to compare the suspected account with those of former periods.

3. The Board would consider that, as a general rule, the party in possession of a rent paying estate should be held to have realized in any given period such amount of rent as, one year with another, has been collected in former corresponding periods, after making due allowances for such reasons as may be urged to the contrary.

(Signed) H. M. ELLIOT,

Allahabad, the 12th May, 1843. *Secretary.*

[True copies.]

G. F. EDMONSTONE,

Offg. Register.

(No. 1185.)

To the several Civil Judges in the North-Western Provinces.

The Sudder Dewanny Adawlut request attention to the following rules for the guidance of the District Judges, in the investigation of the validity of the security tendered in cases of appeal to the Privy Council.

2. When security bonds, for costs of appeal to England, are transmitted by the Sudder Dewanny Adawlut to the Zillah Courts for inquiry, the Zillah Courts shall take any objections offered to such bonds, inquire into them, and report on their validity as is the practice in issue of process for execution of exparte decrees, &c.

3. Should objections be offered in time enough to admit of their being investigated, within the period of six months now allowed for the investigation into the validity of the security, the Judge will make the inquiry, and forward the record within the time prescribed.

4. Should the objections, however, be offered at such a period as to render it impracticable to inquire into them within the six months allowed for investigation of the security, the Judge shall allow three months, from the date of the expiration of the six months, to the objector to prove his objections, on the expiration of which further period, he shall forward the record to the Sudder Court.

5. Objections urged after the expiration of the six months allowed for the investigation of the security will not be admitted by the Judge.

6. Whenever objections are urged to the security tendered, the Judge shall immediately forwarded a copy of the petition of objections, together with a copy of his order thereon, to the Sudder Dewanny Adawlut.

7. On the papers being ordered for despatch to the Sudder Dewanny Adawlut, the Zillah Judge shall give intimation of the same by notice to the objector if present, or his vakeel or agent, desiring the objector to appear, within 15 days from the date thereof, in the Sudder Dewanny Adawlut, and shall forward his acknowledgment of service of notice together with the records.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 17th June, 1843.

ABSTRACT.

Prescribing rules for the investigation of the validity of the Security tendered in cases of appeal to the Privy Council.

(No. 1381.)

To the several Zillah and City Judges in the North-Western Provinces.

In continuation of Circular Orders of Sudder Dewanny Adawlut, North-Western Provinces, No. 817, dated 1st May, and published in the Government Gazette of the 13th June last, the Court desire that Judges will be careful, in preparing their Quarterly Reports of requisitions to the Revenue Authorities, in matters relating to the execution of decrees, to insert in the statement the name of the Mouzah to which each decree relates, as well as that of the Pergunnah and district in which it may be situated; this particularization, while it will impose but little additional labor on the Judges and their establishments, will facilitate the supervision which Commissioners are expected to exercise, in those divisions where two or more Zillahs may be within the jurisdiction of one Civil Court.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 19th July, 1843.

ABSTRACT.

In continuation of Circular Orders, No. 817, of 1st May last, directs the insertion of certain particulars in the Quarterly Report of requisitions to the Revenue Authorities touching the execution of decrees.

(No. 1439.)

To the several Judges of Zillah and City Courts in the North-Western Provinces.

With reference to paragraph 3 of the Circular Order, No. 1179, dated 1st July, 1842, the Court request that when a petition of appeal, in which all the respondents are not named, may be presented to the Judge, that officer will certify to the Sudder Court, in forwarding the appeal, that the party appealing, or his representative, has been apprised of the rule of the Circular. The certificate to this effect, should form part of the proceeding of the Court, forwarding the petition of appeal.

2nd. The rule above alluded to, is, of course, not applicable to cases in which the appellant may purposely omit to name, or in any manner indicate, as respondents, any of the parties to the original suit in the Court of first instance. As, for instance, if A.

sue B. and C.; obtain a decree against B., and appeal only from that portion of the decree of the lower Court which dismisses his claim against C. not including B. amongst the respondents, it will not be necessary in such case for the appellate Court to serve notice upon B.

3rd. The Judges are requested to draw the particular attention of the Principal Sudder Ameens to the foregoing orders.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 5th August, 1843.

ABSTRACT.

Enjoins certain certificate in petitions of appeal when all the respondents are not named.

(No. 1464.)

To the several Civil Judges in the North-Western Provinces.

The Circular Orders of the Sudder Dewanny Adawlut, No. 83, and No. 167, dated, respectively, the 8th May, 1840, and 24th September, 1841, direct, that applications for the sale of property lying within the limits of another jurisdiction, shall be transferred to the Judge of the district, in which the property to be brought to sale is situated, and that all proceedings and incidental investigations, consequent thereon, shall be conducted by that officer, in the same manner as the Court issuing the process would have done, had the property been situated in its own jurisdiction. The Court of Sudder Dewanny Adawlut, considering that the principle of this rule is equally applicable to processes of attachment, which may be ordered under the provisions of Regulation II. of 1806, and that the general observance of it in such cases will be productive of convenience to the community, and of expedition in the determination of claims, or objections to the sequestration of property, lying within the jurisdiction of a Court, other than that ordering the attachment, are pleased to extend its application to all occasions of the nature adverted to, and hereby to notify such extension accordingly.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 5th August, 1843.

ABSTRACT.

Notifies the extension of the rules prescribed in Circular Order, Nos. 83 and 167, dated 8th May, 1840, and 24th September, 1841, to all cases in which a process of attachment, under Regulation II. of 1806, may issue against property situated in the jurisdiction of a Court, other than that, by which the sequestration may be directed.

(No. 1470.)

To the several Civil Judges in the North-Western Provinces.

The Court have, not unfrequently, had occasion to remark a disposition on the part of vakeels attached to the local judicial tribunals, to mislead, by statements having little or no foundation in truth, the vakeels employed to conduct appeals preferred to the Sudder Dewanny Adawlut, and by imputing irregularity of procedure, totally unconnected with the merits of the pending suit, to throw aspersions on the character of the subordinate judicial functionaries, who, on inquiry, have been fully exculpated from the charge.

2. It is desirable, that a practice so disingenuous, and reprehensible, and so entirely useless as regards the claims and interests of the litigant parties, should be

discouraged, and the Court are accordingly pleased to notify for general information, that any vakeel attached to a zillah or any subordinate Court, who may be hereafter detected in making mis-statements relative to the manner, in which proceedings may have been conducted in these Courts, in any case subsequently appealed to the Sudder Dewanny Adawlut, shall be liable to immediate dismissal from his situation.

3. The several Civil Judges are directed to affix a copy of this Circular Order in the Native language in a conspicuous part of their Court, and of every subordinate Court in each District.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 7th August, 1843.

ABSTRACT.

Intimates that any vakeel of the lower Courts who may be detected in making mis-statements relative to the procedure of the said Courts shall be liable to immediate dismissal.

(No. 1501.)

To the several Civil Authorities in the North-Western Provinces.

It having been brought to the notice of the Court that from the circumstance of the amount value, annual rent, or other estimated money equivalent of the property, which is the subject of objections, not being specified by the objector, much difficulty is not only experienced in determining the amount of the fees of the vakeel of the successful party, but without investigation and inquiry such determination becomes often impracticable. The Court therefore resolve, that the amount value, annual rent, or other estimated money equivalent of the property, which is the subject of objections, shall be specified in all vakalut-namehs filed on the part of objectors, in the petition of objection, and in the proceeding of the Court granting or rejecting the same; and that the amount of the fees of the vakeel of the successful party shall be awarded against the party cast, with reference to the said valuation.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 12th August, 1843.

ABSTRACT.

Directs specification of valuation of property in all vakalut-namehs filed in the petition of objections, and in the proceeding of the Court granting or rejecting the same.

(No. 1583.)

To the Civil Authorities in the North-Western Provinces.

The Circular Orders of the Sudder Dewanny Adawlut, No. 117, dated 17th January, 1842, prescribe rules for the remuneration of Ameens, who may be employed on any specific duty by the Civil Courts, and make the deputation of an Ameen into the Mofussil for the performance of certain local acts, described in the two first clauses, subjoined to paragraph 2 of Circular Order, contingent on the prior deposit in Court, of

the amount, to which, on completion of the work committed to him, he may be entitled; while paragraph 9 of the same Circular, declares the amount of commission legally receivable by Ameens for the duty of attaching and selling property; and paragraph 10 makes provision for their compensation, on the occurrence of certain contingencies therein alluded to; the omission to make the prepayment of such dues a condition of the deputation of an Ameen into the Mofussil, has been found productive of much inconvenience, and occasional hardship.

2nd. The commission of one anna in the rupee on the proceeds of sale can of course only be levied on completion of that process; but an Ameen, appointed to attach and sell property, will, the Court remark, under any circumstances, be entitled to the remuneration described in the 10th paragraph of the Circular Order above cited and the exaction of prepayment to that extent, with the condition of a corresponding allowance being made in calculating the commission receivable by the Ameen on completion of sale, will secure to the Ameen the timely reception of his just compensation, and will relieve the Court, by which the process may have been issued, from the necessity, now too frequent, of having recourse to harsh measures for the subsequent realization of Ameen's fees.

3rd. The Court, therefore, direct that whenever an application for the attachment and sale of property in execution of a Decree shall be presented, the Decree-holder shall be required to deposit in Court the amount of compensation to which the Ameen will be entitled under the 10th paragraph of the Circular Order, and the Ameen shall on no account be deputed until such sum have been paid in. If the sale be carried out to completion, the Decree-holder will be allowed credit for the amount thus prepaid, in calculating the demand to which he would be liable for the commission of one anna in the rupee on sale proceeds, and a comparatively small proportion will remain to be collected; and if, on the other hand, any one of the contingencies described in the three first clauses of Paragraph 9 occur, the remuneration claimable by the Ameen will be ready for delivery, without subjecting the Decree-holder to the harassing demands of the Court, or the Ameen to the hardship which delay in the realization of his dues might occasion.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 21st August, 1843.

ABSTRACT.

Rule in extension of that prescribed by Circular Order Sudder Dewanny Adawlut, No. 117, dated 17th January, 1842, and prescriptive of obligation on the Decree-holder to deposit in Court the amount of Ameen's fee, on presentation of application for the attachment and sale of property in execution of Decree.

(No. 1600.)

To the several Civil Judges in the North Western-Provinces.

The Court of Sudder Dewanny Adawlut for the North-Western Provinces request that the annexed form of Proclamation may be generally adopted, on all occasions of property, real or personal, being attached and advertised for sale in execution of decrees, by the zillah and all the subordinate Courts.

2nd. The several Judges will use their discretion in indenting, on the Superintendent of the Lithographic Press, at Calcutta, for a sufficient supply of Lithographed Forms of the prescribed Proclamation, according to the requirements of their respective Courts.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 21*st August*, 1843.

ABSTRACT.

Prescribes the use of a form of Proclamation on occasions of property, real or personal, being attached and advertised for sale in execution of decrees by the zillah and all the subordinate Courts.

اشتہار نیلام

مجاریہ محکمہ ضلع

بابت اجراے ڈگري مقدمہ

بنام

مسمي

نیلام حق اور مرافق

متعلقہ جایداد مفصلہ ذیل کے واسطے وصول زر ڈگري مرقومہ سنہ ۱۸ عیسوي

تعدادي ہر کوئي اسبات سے مطلع ہوجیو کہ

نے فرد تعلیقہ جایداد مندرجہ ذیل کي بدرخواست نیلام ہونے اُسکے واسطے وصول زر اپني

ڈگري کے جو اوپر مذکور ہی سنہ ۱۸ ع کو گذراني اور مطابق درخواست

مذکور کے اشتہار واسطے اطلاع عام کے اس مضمون سے جاري ہوتا ہی کہ تاریخ

ماہ سنہ ۱۸ ع کو مقام پرگنہ ضلع

میں نیلام حق اور مرافق مسمي کا جایداد مذکورہ ذیل میں جو کچھہ

کہ ہو دس گھنٹہ صبح سے شروع ہوگا پس جس کسي کو حق اور مرافق مذکور خرید کرنا

منظور ہو مقام مزبور میں وقت معینہ پر اصالتا یا مختارتا حاضر ہو کے خرید کرے •

شرایط نیلام

دفعہ ۱ سواے حق اور مرافق مدعی علیہ کے اُس جایداد میں کوئي دوسرا حق اور مرافق نیلام نہوگا •

دفعہ ۲ اور جب نیلام ختم ہوگا تب خریدار نیلام کو زر بیعانہ بقدر دس روپیہ سیکڑے زر ثمن پر بمجرد اختتام نیلام کے اور باقي زر ثمن جایداد غیرمنقولہ کا اندر میعاد ۱۵ دن کے اور جایداد منقولہ کا ۲۴ گھنٹہ کے عرصے میں داخل کرنا ہوگا تب خریدار نیلام شي نیلامي پر دخل اور قبض پاویگا •

دفعه ۳ اگر خریدار نیلام زر بیعانه داخل کرکے وقت نیلام جایداد غیرمنقوله سے ۱۵ دن کے اندر اور جایداد منقوله سے ۲۴ گنهٹه کے درمیان ما بقی زر ثمن ادا نکریگا تو جایداد مذکور پهر کر نیلام هوگي اور نقصان جو کچهه که به نسبت نیلام ثاني کے عاید هوگا خریدار اول سے وصول هو کے مع زر بیعانه اور زر ثمن نیلام ثاني کے مدعی‌علیه کے نام سیاهه هوجائیگا اور ڈگریدار کو بقدر زر ڈگري کے دلایا جائیگا •

دفعه ۴ اگر خریدار نیلام بمجرد اختتام نیلام کے زر بیعانه داخل نکریگا تو جایداد مذکور اُسیوقت نیلام هوگي اور زر ثمن نیلام خریدار ثاني سے اور جسقدر نقصان بنسبت نیلام ثاني کے هوا هو خریدار اول سے وصول اور مدعی‌علیه کے نام سیاهه هوکر ڈگریدار کو بقدر زر ڈگري کے دلایا جائیگا •

دفعه ۵ اور دونوں صورت میں جو کچهه فائده بنسبت نیلام ثاني کے هووے مدعی‌علیه کے نام سیاهه هوکر ڈگریدار کو بقدر زر ڈگري کے دلایا جائیگا فقط

واضح هو که آج تک جایداد مذکورکي نسبت عذرداري کي طرف سے داخل

تحریر فی التاریخ ماه سنه ۱۸ ع

تفصیل جایداد

(No. 1601.)

To the several Civil Judges in the North-Western Provinces.

The principle which formerly regulated the Correspondence of Moonsiffs with the Covenanted Officers of Government having been superseded by the Circular Orders of the Sudder Dewanny Adawlut, No. 789, dated 28th April, and published in the Government Gazette of 30th May, 1843; the Court are pleased to notify, for general information, that the 2nd Paragraph of Construction No. 1235, which, in pursuance of that principle, imposed on the functionaries named the obligation of issuing their processes, to be served in other Districts, through the channel, and under the seal and signature of the Judge, to whom they might be subordinate has been rescinded.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 28th August, 1843.

ABSTRACT.

Rescinds a portion of Construction, No. 1235, which militates against the requirement of Circular Order, No. 789, dated 28th April, 1843.

(No. 1602.)

To the several Civil Judges in the North-Western Provinces.

The Court notify, for the information and guidance of the Zillah and City Judges in the North-Western Provinces, that that portion of Circular Order Sudder Dewanny Adawlut, No. 1, dated 6th June, 1828, which prescribes the retention of proceeds of sale in deposit "until possession shall have been given to the purchaser," has been ruled, by the concurrent opinion of both Courts of Sudder Dewanny Adawlut, to be beyond the requirements of the law, and practically inexpedient and inconvenient, and has been accordingly cancelled.

2. The Court take this opportunity of noticing an erroneous practice, which has been found to be generally prevalent, in giving effect to the rule contained in the commencement of the Circular Order above alluded to; in disposing of objections preferred by an Oozoordar, a date should be *at once* fixed for the sale, the prescribed period for the institution of an appeal being however invariably allowed—and the practice, which is found to obtain extensively, of postponing, in the first instance the further consideration of the case for the above term, and after its expiry issuing the customary orders for the sale process, should be abandoned, as having a tendency to delay unnecessarily the ultimate execution of the decree.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 28th August, 1843.

ABSTRACT.

Rescinds a portion of Circular Order, No. 1, dated 6th June, 1828, which prescribes retention of proceeds of sale in deposit "until possession shall have been given to the purchaser" and corrects erroneous practice prevalent, in disposing of objections preferred by an Oozoordar.

(No. 1631.)

To the several Civil Judges in the North Western Provinces.

The Court request that the following rules may be observed in the admission of applications for permission to sue in formâ pauperis:

Firstly.—The Judge will himself decide, under the provisions of Section 1, Act IX. of 1839, as to the existence of sufficient grounds for the institution of a suit in the case of parties applying to sue in formâ pauperis, before referring the petition to the Principal Sudder Ameen, for inquiry as to the pauperism of the plaintiff.

Secondly.—The Judge, having decided the point under Act IX. of 1839, may, under Section 8, Act XXV. of 1837, refer the petition to the Principal Sudder Ameen, to dispose of as to the question of pauperism, and from his order, admitting or rejecting the application, there will be an appeal to the Zillah Judge.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 26th August, 1843.

ABSTRACT.

Prescribes rules for observance in the admission of applications for permission to sue in formâ pauperis.

(No. 1714.)

To the several Zillah and City Judges in the North-Western Provinces.

The Court request, that whenever the Judges in the North Western Provinces may have occasion to submit an application for permission to review a former judgment, they will state in the margin* of the report, which they are required by paragraph 3 of Circular Order Sudder Dewanny Adawlut, No. 160, dated 27th November, 1835, to forward, the date on which the decree or copy of order, revision of which is sought, was delivered or tendered to the applicant, the date on which the petition soliciting review was presented and the value of the stampt paper on which the said petition is engrossed. It has not unfrequently happened, that, owing to the absence of information on the last head in the copies of papers submitted, a reference to the local Judge has been necessitated, with a view of ascertaining whether the provisions of Clause 1, Section 2, Regulation II. of 1825, have been observed: the precautional measure hereby prescribed will obviate the necessity of such references, while the insertion of the particulars mentioned will impose but little, if any, additional trouble on the Judges.

* Thus: 1.—Date of Decree or order.
2.—Date on which the Decree or order was tendered or delivered.
3.—Date on which Petition seeking review was presented.
4.—Value of stampt paper, on which said Petition is engrossed.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 6th September, 1843.

ABSTRACT.

Directs the insertion of certain particulars, as marginal note, in applications to review former Judgment.

(No. 1797.)

To the several Zillah and City Judges in the North-Western Provinces.

Instances having frequently been brought to the notice of the Court, of substantial injustice having been committed, and needless expense imposed upon parties having suits in the Civil Court, by the license assumed by some judicial functionaries in taking cognizance of matters not set forth in the pleadings, and more especially in giving directions to one or both of the litigants to reinstitute proceedings after a particular manner, to include other persons in the suit, and the like, which directions have been often found opposed to legal enactment and practice, and such as to necessitate a nonsuit; the Court desire, that the Judicial Officers will strictly confine themselves to the adjudication of the point or points at issue between the parties, as set forth by themselves, which points are required to be recorded with precision in the interlocutory proceeding directed by Section 10, Regulation XXVI. of 1814; and that they will bear in mind that they have no authority to declare judicially, that one or other party is entitled to bring his suit *de novo*, or to point out the form in which it shoud be revived.

2. If, for example, it should be pleaded by Defendant, that the cause of action in any case arose in a jurisdiction other than that in which the suit may be instituted, that the suit has been brought on a wrong valuation, or that lapse of time or any other cause

bars jurisdiction; it will be incumbent on the Judge trying the case, to restrict himself in the first instance to that individual point and if satisfied of the validity of Defendant's objections, to nonsuit the plaintiff accordingly, without entering upon the consideration of matters with which, as they cannot be investigated or adjudicated in his Court, he can have no occasion to interfere, and without issuing any injunction for the renewal of the suit. In like manner, if, in hearing appeals, any irregularity in the institution of the suit, or in the proceedings of the Court of first instance, should be observed, an order for re-trial of the case, without any regard to the merits thereof, should issue.

3. The objectionable practice hereby prohibited, is opposed to the obviously correct principle of allowing suitors to bring their suits in such form, and against such persons as they themselves may judge expedient, and has given rise, occasionally, to the anomaly of a Judge nonsuiting a case brought conformably to his own directions.

4. The Judges will be careful to see, that the purport and object of this Circular Order is fully and thoroughly understood, and strictly observed in practice, by all the subordinate judicial functionaries.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 13th September, 1843.

ABSTRACT.

Prohibiting the objectionable practice observed by some judicial functionaries of taking cognizance of matters in suits before them, not set forth in the pleadings, and of directing re-institution of proceedings after a particular manner, often found to be opposed to legal enactment and practice.

(No. 1878.)

To the several Civil Judges in the North-Western Provinces.

The Court have reason to believe, that various complaints of a vague and unfounded description are too frequently preferred against Moonsiffs, with no other object than to throw suspicion and discredit on the character of those functionaries who may have rendered themselves, no matter how, obnoxious; and that complainants, having thus effected their purpose, designedly fail to attend and prosecute their charges to a conclusion. The interests of Government on the one hand, and justice to the accused functionary on the other, demand, that he should be allowed an opportunity of disproving, or defending himself from, the imputation of official misconduct—and that the community, generally, should be deterred from bringing false and malicious complaints against such officers; and the Court are pleased, accordingly, to direct the attention of the several Zillah and City Judges to the principle enunciated in Section 7, Act XXVI. of 1839, which principle [notwithstanding the restriction of the law cited to investigation of matters implicating the public conduct of officers, not removable without the sanction of Government,] is one of general application and beneficial tendency, and may be extended to inquiries into the truth of similar matters involving the character of Moonsiffs. It is the desire of the Court, therefore, that, in all instances of complaints being preferred against Moonsiffs, the Judge, before whom such complaint may be laid, shall use his discretion in demanding security from the person bringing the accusation, to be in attendance until the investigation thereof be completed, whenever, on its pri-

mary institution, there shall appear reasonable grounds for supposing that the complainant is actuated by sinister and malicious motives.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 28th September, 1843.

ABSTRACT.

Enjoins demand of security from persons preferring complaints against Moonsiffs, till investigation thereof be completed.

(No. 1894.)

To the several Civil Judges in the North-Western Provinces.

The following rules of practice, which have been adopted by the Court of Sudder Dewanny Adawlut, are prescribed for the guidance of the zillah courts and the courts subordinate to them: "Vakalutnamahs, whether executed by principals or their Attorneys and Agents, and Mookhtarnamahs under the authority of which Vakalutnamahs are executed, shall not hereafter be required to be verified, on oath. The responsibility, in regard to all such documents being properly and correctly executed, shall rest entirely with the Vakeels.

"The above rule does not apply to cases in which only mookhtars or agents are employed. In all such cases, the Mookhtarnamah shall be verified on oath as at present."

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 2nd October, 1843.

ABSTRACT.

Prescribes rules in matter of verification of Vakalutnamahs and Mookhtarnamahs.

(No. 1978.)

To the several Civil Judges in the North-Western Provinces.

The Court have reason to believe, that much misconception exists in regard to the 3d paragraph of Circular Order Sudder Dewanny Adawlut, No. 127, dated 12th December, 1834, [recapitulated in the Appendix to Circular Order, No. 28, dated 21st December, 1838] which requires, that an application for execution of decree, in which the decree holder may fail to carry on execution for a period of six weeks, shall be, after its expiry, struck off the file: it has been found, that some functionaries haye understood the Circular Order in question, to prohibit the expunction from the file of cases, in which the decree-holder has failed in filing schedule of property or in other necessary process within a *prescribed* and *notified* period, because the period of six weeks had not elapsed.

2nd. The Court, therefore, hereby notify that the object of the Circular Order above cited, was to prescribe a *maximum* period, beyond which, in the event of neglect

in prosecution, or default of any description for that period on the part of a decree holder, the case should not be allowed to remain on the file, and not to prohibit the intermediate expunction of the case, on the omission of the decree holder to attend to the requisitions of the Court within a specific and stated space of time.

3rd. The distinction consists simply in this that, whereas, in the event of a decree holder entirely neglecting for six weeks to carry on execution of his decree, it is *obligatory* on the Judge to dismiss the case on default, and strike it off his file, it would, in the other event of inattention to the requisition of the Court for a period allowed for any specific purpose, be *discretionary* with the said Court to pursue the same course, or to give the decree holder another opportunity of presenting schedules of property, pointing out its location, or satisfying any other requisite process.

4th. It is, on the present occasion, the desire of the Court, simply to explain the provisions of a Circular Order, which appears to have been misunderstood, and not to insist on the invariable adherence to a practice of prescribing fixed periods for the completion of every process in the course of execution, and, in the event of default, of striking the case off the file without further question or inquiry.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 14th October, 1843.

ABSTRACT.

Explains the intent of paragraph 3 of the Circular Order, Sudder Dewanny-Adawlut, No. 127, dated 12th December, 1834.

CIRCULAR ORDERS

OF THE

SUDDER NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

(No. 1412.)

To the several Magistrates and Independent Joint-Magistrates in the North-Western Provinces, and to the Assistants of Saugor and Kumaoon.

I am directed to communicate, for your information and future guidance, the following rule regarding your power of disposing of certain descriptions of cases of assault and affray, attended with wounding, instead of committing them to the Sessions' Court.

2nd. You will not in future consider the mere circumstance of a bone fracture to take a case of assault out of your cognizance, it being left to you to determine, with reference to the extent of the injury, and other considerations of a similar nature, what cases of this description should be disposed of by yourself, and what made over for trial to the Sessions Court.

3rd. It will not be competent to the latter authority to cancel a commitment made by you under this discretionary power, merely on the ground of the Session Judge differing from you in regard to the tribunal before which the case should be brought, and by which consequently the amount of punishment is to be regulated.

4th. In supercession of the constructions quoted in the note below,* by which cases of affray, attended with wounding, if the wounds have been inflicted with a sword, have been ruled to be beyond the competence of a Magistrate finally to dispose of, it is hereby declared that henceforward you are empowered, in such cases, to commit or punish, as you may judge most expedient, without regard to the instrument of offence, and with reference solely to the nature and extent of the injuries inflicted by the aggressors.

M. SMITH,
Offg. Register.

Allahabad, 12th June, 1840.

* Nos. 623 and 628, Printed Construction Book, volume II. pages 3 and 7.

(No. 1529.)

To the Sessions Judges, Magistrates, and Independent Joint-Magistrates in the North-Western Provinces, and to the Commissioner of Saugor and his Assistants.

With reference to a question which has been submitted to the Court, whether, in cases where a party retains a possession of land leased out to him by the Zemindar, notwithstanding the expiry of the lease, the Magistrate is precluded, by the terms of Section 2, Act IV. 1840, from putting the Zemindar in possession, but must refer him to a regular Civil suit for his remedy, I am directed by the Court to inform you, that such cases, wherein the landholder has a right of distraint or seizure, under the existing Regulations, will be governed by Section 10, of the Act; and that on the right of distraint or seizure being pleaded, it will be incumbent on the Magistrate to dispose of that plea, before entering on the question of previous possession, with a view to the decision of that single point.

2nd.—The principle of the Act, you are requested to observe, does not differ from that of the existing Regulations. The same principle will consequently govern the decision in cases of the description alluded to, as would have governed them had the Act never been passed, and the Zemindar will be maintained now as previously to the passing of the Act, in the exercise of his just and legal rights, with this difference that the decision now rests with the Criminal, instead of, as formerly, with the Civil Authorities.

M. SMITH,
Offg. Register.

Allahabad, 12th June, 1840.

(No. 1622.)

To the several Magistrates in the North-Western Provinces, and to the Assistants of Saugor.

It having been represented to Government, that Land-holders and their Agents are frequently subjected to considerable hardships by the arbitrary infliction of a fine, in cases wherein the Darogah or other Police Authorities may think proper to report to Magistrates their (the Zemindars) neglect of Police duties, I am directed to request your attention to the following instructions regarding the mode of proceeding on receiving such reports:

2nd.—On receiving a report of alleged neglect of Police duties on the part of any Land-holder, you will not require his personal attendance at your Court, before calling upon him to furnish, within a week or ten days, a written explanation of the charge brought against him. Should the explanation be unsatisfactory, or should none be afforded within the time, you will require him to appear before you on an appointed day, in person or by Mooktar, to answer the charge.—On his obeying the summons, you will be careful to enter immediately upon the enquiry; avoiding all delay by summoning the witnesses in support of the charge to appear on the appointed day, and by directing the accused to produce at the same time any witnesses whose evidence he may desire to offer in his own defence.

3rd.—The offence being one of a bailable nature, the accused or his Agent should not be placed in custody when required to attend the investigation into the charges, except in default of bail.

M. SMITH,
Offg. Register.

Allahabad, 12th June, 1840.

(No. 1668.)

To the Sessions Judges, Magistrates, and Independent Joint-Magistrates in the North-Western Provinces, and to the Commissioner of Saugor, Kumaoon and their Assistants.

I am directed to communicate to you the following rule regarding the process by which the evidence of a prisoner is obtainable in a District other than that in which he may be confined.

2nd.—It has been determined that whenever the evidence of a prisoner, under such circumstances, may be indispensible, the Court requiring it shall request the Magistrate of the district, in which the Prisoner may be confined, to send him to such Court, informing the Nizamut Adawlut of the step thus taken, and it will be competent to a Magistrate, on such emergent requisition, to forward the Prisoner to the Court requiring his presence, for the purpose stated, reporting at the same time, for the information of the Nizamut Adawlut, his compliance with the requisition, and eventually the Prisoner's return to his Jail.

M. SMITH,
Offg. Register.

Allahabad, 31*st July,* 1840.

(No. 1719.)

To the several Sessions Judges in the North-Western Provinces, and to the Commissioners of Saugor, and Kumaon.

Finding that much of the time of the Amlah of the Sessions Courts, is occupied in preparing copies of Roobokarees of commitment, which the Circular Order, No. 67, of the 10th January last, requires to be sent in all cases in which the commitment may be declared to have been made on insufficient grounds, the Court direct me to request that you will consider the order to be henceforth restricted to cases in which the proceedings of the Magistrate in making the commitment, may appear to you to merit the particular notice of the Nizamut Adawlut.

M. SMITH,
Offg. Register.

Allahabad, 24*th July,* 1840.

(No. 1810.)

To the several Magistrates and Independent Joint-Magistrates in the North-Western Provinces, and to the Assistants of Saugor and Kumaoon.

It appearing from the several replies received from the Magistrates of the North-Western Provinces, to the Court's Circular, No. 80, of 16th January last, that the provisions of Section 3, Regulation III. 1812, have not in all instances been properly attended to, I am directed by the Court to request that you will, in future, strictly conform to the rules laid down in that Regulation; and that you will be careful to ascertain that indigent witnesses are, on all occasions, supported either by the prosecutor or by the state, during the time of their detention from their homes, whether the case be pending before the Session Judge, or otherwise.

2.—The Court request your particular attention to the speedy disposal of all criminal charges, so that the witnesses may be detained for as short a period as is practicable at the Sudder station; and you are requested to intimate to all your Covenanted and Uncovenanted Assistants, the expectation of the Court, that no unnecessary delay will take place in their Courts.

3.—The Court have observed, with much satisfaction, that the alleged confinement of witnesses by the Nazirs in what is termed, the *hajut* Guard, is altogether unfounded, and they confidently rely on your zeal and activity to prevent any abuses on the part of the subordinate Native Officers, and to punish the same when brought to your notice and proved to be true.

M. SMITH.
Offg. Register.

Allahabad, 28th August, 1840.

(No. 1943.)

To the several Sessions Judges, in the North-Western Provinces and to the Commissioner of Saugor.

It being considered desirable to prescribe an uniform mode of sentence for adoption in cases of persons convicted of having committed any penal act while in a state of insanity, I am directed to annex, for your information and guidance, a form of sentence which you are requested to observe on the occasions referred to together with a form of engagement of security, copy of which, with the Oordoo translation accompanying, you will be pleased to furnish to the Magistrate under your control, for use, as occasion may require.

2.—I am at the same time desired to call your particular attention, and to request that you will direct that of the Magistrate to the Circular Order of the Nizamut Adawlut, No. 307, dated 11th February, 1825, and especially paragraphs 4 and 5 thereof, as indicating the proper mode of proceeding in such cases.

M. SMITH,
Offg. Register.

Allahabad, 4th September, 1840.

Form of Sentence.

The Court (of Nizamut Adawlut or Sessions as may be) finds that the said A. B. committed, the said act while labouring under insanity, and acquitting him of the charge, directs that he be kept in safe custody in some suitable place of confinement until his relations or friends shall furnish security to the amount of Comany's Rupees —— to take proper care of the said A. B. and to prevent the said A. B., from committing any act injurious to the person or property of any one, and until the Court (of Nizamut Adawlut or Sessions) may be satisfied that the said A. B. may be delivered over to his relations or friends without danger to the community.

Form of Engagement.

Whereas the Court (of Nizamut Adawlut or Sessions as the case may be) did by their Warrant under date the —— of —— 184 —, order and direct that A. B. convicted of having committed the act of —— while in a state of insanity, should be kept

in safe custody until his relations or friends should furnish security to the amount of Co.'s Rupees —— to take proper care of the said A. B., and further bind themselves to prevent the said A. B. from committing any act injurious to the person or property of any one, and further until the said Court (of Nizamut Adawlut or Sessions) should be satisfied that the said A. B. might be delivered over to his relations or friends without danger to the community, we, the undersigned, C. D. of —— and E. F. of ——, do hereby engage and bind ourselves and heirs in the sum of Company's Rupees —— to take proper care of the said A. B., and to prevent the said A. B. from committing any act injurious to the person or property of any one, in default whereof we do hereby acknowledge ourselves and heirs to have forfeited to Government the sum of Company's Rupees ——; and, for the non-fulfilment of this our engagement, the aforesaid sums shall be levied from us and our heirs, and from our property, agreeably to Section 4, Regulation VI. 1818. Provided, however, that it be optional to us or our heirs, to obtain a release from this engagement, on making over the person of the said A. B. to the Magistrate, whenever we may so desire. For the performance of the above conditions we pledge the undermentioned property ——— Dated ——— in presence of —

The property pledged in this Deed belongs to the sureties and is worth —— Rupees.

L. S. —— Nazir of the Court.

(No. 1951.)

To the Magistrates and Independent Joint-Magistrates, in the North-Western Provinces, and to the Assistants of Saugor and Kumaoon.

It having been found necessary to throw all questions regarding the pay and remuneration of the Subordinate Medical Officers of the Government, into the hands of the Medical Board in Calcutta, I am directed by the Court, under instructions from the Honourable the Lieutenant Governor, to intimate to you that, in future, any recommendations you may have occasion to make, touching the emoluments of that class of Officers, should be submitted through the regular channel to the Medical Board direct.

M. SMITH,
Offg. Register.

Allahabad, 18th September, 1840.

(No. 1961.)

To the Sessions Judges in the North-Western Provinces, and to the Commissioners of Saugor and Kumaoon.

I am directed to acquaint you that it has been recently ruled by a majority of the Judges of the Nizamut Adawlut here and in Calcutta that the Circular Order, No. 291, dated 7th May 1824, is only applicable to the crime of administering *poisonous* drugs to persons, with a view to robbing them when in a state of insensibility, and does not include the offence of administering drugs or substances, of a merely intoxicating character, and not of a nature to endanger life, for the purpose recited, and that, consequently, those cases only are referrible to the Nizamut Adawlut in which the prisoner is accused and convicted of having administered *poisonous* drugs.

M. SMITH,
Offg. Register.

Allahabad, 18th September, 1840.

(No. 2079.)

To the Magistrates and Independent Joint-Magistrates, in the North-Western Provinces, and to the Assistants of Saugor and Kumaoon.

Erratum.—In Circular, No. 1810, dated 28th August last, line 4, for "Section 3," read "Section 2."

M. SMITH,
Offg. Register.

Allahabad, 9th October, 1840.

(No. 2141.)

To the Sessions Judges, in the North-Western Provinces and to the Commissioners of Saugor and Kumaoon.

The construction No. 1125, dated 22nd January, 1838, ruling that a Session Judge cannot award labor in addition to imprisonment in cases of conviction under Clause 2, Section 4, Regulation XVII. of 1829, having been re-considered by the Calcutta and Allahabad Courts, it has been determined by a majority of the Judges of both Courts that as the crime of aiding and abetting in a Suttee is expressly declared by law* to be culpable homicide, conviction of which latter offence includes liability to labor, the same penalty is awardable in the former case also; and construction, No. 1125, is, accordingly, hereby superseded.

M. SMITH,
Offg. Register.

Allahabad, 30th October, 1840.

(No. 2142.)

To the Session Judges in the North-Western Provinces and to the Commissioners of Saugor and Kumaoon.

In continuation of Circular Order No. 1984, dated 25th ultimo, the Nizamut Adawlut are pleased to circulate the following extract of an address from the Medical Board to the Government of the North-Western Provinces, and to direct that the Session Judges will take the subject to which it refers into consideration in connection with the fifth point on which they are required to report, and obtain the sentiments of the Magistrates and submit them with their own, thereon, in sending up the returns to the Circular.

M. SMITH,
Offg. Register.

Allahabad, 30th October, 1840.

Extract paragraphs 2 and 3 of a letter from the Members of the Medical Board to the address of the Honourable the Lieuenant-Governor North-Western Provinces, dated 26th September, 1840, No. 408.

Para. 2.—With reference to that part of the Resolution where it is observed, "that the Prisoners are peculiarly exposed to the sordid and unprincipled imposition of the

* Clause 2, Section 4, Regulation XVII. 1829.

contractor and Jail Establishment," we beg to state, that we most fully concur ; and in no respect perhaps is the evil in question more to be apprehended than in the facility the contractor at present has of supplying inferior and adulterated *Ottah*. To obviate this, we would suggest that all the wheat in future should be purchased by some trustworthy person to be selected by the Magistrate, and ground in the Jail by the prisoners themselves, which plan would also have the advantage of affording suitable employment for the debilitated either from old age or disease.

3.—This measure we have already recommended for general adoption in Jails.

(True Extract)

M. SMITH,
Offg. Register.

(No. 2172.

To the several Magistrates and Independent Joint-Magistrates, in the North-Western Provinces, and to the Assistants of Saugor.

With reference to recent enquiries regarding the expense likely to be incurred in carrying into effect the arrangement and classification of the records of Magistrates' Offices upon the plan digested by Mr. Robinson, Magistrate of Furruckabad, it is hereby notified that Government do not consider it expedient to authorize any such extensive or general expenditure on that account, as is involved in the estimates sent up in answer to the call of the Court.

2.—The Court, at the same time, observe that the agitation of the question, generally, and the discussion and enquiries that have ensued respecting the state of the various offices in the department of criminal records, will doubtless have produced useful and beneficial results, and it is the wish of Government that the attention of Magistrates should continue to be directed to the gradual introduction of order and method into their Offices.

3.—The Court having reason to believe that the masses of old and useless records suffered to accumulate in some Offices operate as a clog to the reform of this Department, request the Magistrates' attention to the reduction of such portion of their old records as is permitted by Circular Order, No. 182, dated 16th October, 1835, to the rules contained in which the Magistrates are referred.

M. SMITH,
Offg. Register.

Allahabad, 30th October, 1840.

(No. 2229.)

To the several Session Judges, in the North-Western Provinces and to the Commissioner of Saugor.

The Court are pleased to prescribe the amendment shewn below of the Statement of Postponed Trials, No. 3, with reference to the Circular Order, No. 234½, dated 23rd June 1837, and to enjoin its adoption henceforward by the Session Judges, and the alteration of the Statement accordingly.

2.—The object is to exhibit the intermediate transactions between the "date of commitment" (present Column 2) and the "date of the receipt of proceedings in

Sessions' Court," (Column 5) contemplated by the Circular alluded to, and to fix with exactness the period from which the responsibility of the Magistrate ceases, and that of the Sessions Judge begins.

3.—Though, therefore, the Circular, No. 208, dated 14th October, 1836, which prescribes the introduction of this form of Statement, lays down that a case is to be considered pending before the Sessions Court from the date of commitment, of which the Magistrate is bound to give immediate notice to the Session Judge, it may not in all instances be in the power of the latter Officer to proceed with the trial forthwith; and it is more equitable to hold him accountable for a case from the date on which the parties may reach his Court, whether such date be that fixed by him or one posterior, in which latter event the column of remarks should of course, contain an explanation of the delay on the part of the Magistrate.

COLUMN 2.	COLUMN 5.
Date of commitment to the Sessions; and date proposed by Magistrate for attendance of parties.	Date fixed by Session Judge, for attendance of parties, and date of arrival in his Court of proceedings and parties.

(True Copy)

M. SMITH.
Offg. Register.

(No. 2397.)

To the Sessions Judges, North-Western Provinces and Commissioners of Saugor and Kumaoon.

Construction authorized of Cutcha buildings whenever there may be really more prisoners requiring lodgment in a Jail than it can accommodate.

Under instructions from Government, the Court intimate to the Session Judges that, whenever there may be such a real excess of prisoners requiring lodgment in any Jail above the number for which such Jail affords convenient accommodation, as to render the measure necessary, they are at liberty to authorize the construction of Cutcha buildings for the safe custody of the surplus prisoners, but those only, whose terms of imprisonment may not exceed six months should be confined in such temporary buildings.

Such expedient when had recourse to, to be reported.

2.—The Session Judges are requested to report every occasion of their finding a recourse to such extra accommodation necessary.

M. SMITH,
Offg. Register.

Allahabad, 11th December, 1840.

(No. 165.)

To the several Commissioners, Sessions Judges, and Magistrates, in the North-Western Provinces.

The Court circulate, for general information, Extract [Paragraphs 3 and 4,] of their Report to Government on the administration of Criminal Justice for the year 1839,

containing the development of important principles connected with the department of Criminal Justice, to which the attention of all the authorities is requested.

M. SMITH,
Offg. Register.

Allahabad, 23rd January, 1841.

Extract Paragraphs 3 *and* 4, *from Court's Annual Criminal Report to Government No.* 2,277, *dated* 30*th October,* 1840.

3rd.—The first point, discussed in the correspondence cited in the margin,* relates to the prominence heretofore given to the proportion borne by acquittals to convictions in the number of persons apprehended on Criminal charges, as well as in the cases of commitment to the Sessions Court, as a test for judging of the efficiency or otherwise of the conduct of his duties by a Magistrate; the sentiments of the Court have been already communicated that such a criterion has been too much and too exclusively insisted on—but they, at the same time, beg to submit extract of instructions prepared by them for circulation to the Session Judges with revised Criminal Forms and Statements, which have been for some time under the consideration of the Presidency Court, as elucidatory of their view thereon:

* Mr. Secy. Currie's letter, No. 2,694, dated 6th November 1839, Paragraphs 8, 9, 10 and 11.
Court's reply No. 1,782, dated 22nd idem, Para. 3.

"Too exclusive stress appears to have been heretofore laid on the proportion borne by acquittals to convictions in the number of persons apprehended on Criminal charges, as well as in cases of commitment to the Sessions, viewed as a criterion for estimating the efficiency of the administration of a District—the recognized principle having been that any considerable disproportion between the number of persons apprehended in a Zillah in any month, and the number whose cases the Magistrate has been able to prosecute to punishment or commitment, must be regarded as presumptively shewing that a great proportion were subjected to seizure without reasonable grounds; a rule which, though abstractedly true, is open, when adopted as an invariable test for judging of the efficiency or otherwise of a system, to the objection, on the one hand, of its causing a Magistrate to desire the conviction and punishment of the parties tried and finally disposed of in his own Court, in order to shew fair returns, and, on the other, of inducing the same Officer to abstain from the commitment, or to resist the apprehension, in the progress of an investigation, of all persons of whose conviction at the Sessions, he is not, before, certain, and of favouring the concealment and suppression of offences by the Darogah of Police, from his overcaution not to send in persons without a certain quantum of proof to convict them, and his apprehension of being censured for so doing. Though, therefore, when the acquittals may much exceed the convictions, cause for enquiry is doubtless shewn, which it should be your duty to institute, and the result of which you should note, yet you ought not to assume as disparaging to the system of a District a circumstance which may admit of satisfactory explanation, nor, on the other hand pronounce a preponderance of convictions to indicate successful management, without, first ascertaining how many Judgments by the Magistrate were appealed to, and reversed by the Sessions Judge, or in how many cases the punishment on conviction was so light as to render it not worth while to appeal, and what was the issue of the commitments made to your Court."

4th.—Another important question on which correspondence* has passed is the protracted continuance of Criminal cases under investigation in some Districts, and the detention of parties and Witnesses resulting therefrom, a point to which it has been usual to attach great weight in judging of the degree of success with which the duties of a Magistrate are conducted, without perhaps sufficiently taking into account obstructing causes, and various difficulties with which he has had to contend. What has, also, had the effect of much increasing, in many instances, the average rate of duration of a case in particular Districts, is the inclusion therein of individual cases, which may have been indefinitely postponed owing to peculiar circumstances that the Magistrate was unable to control, and as cases of this nature ought obviously to be excepted from the general calculation. The Court intend to prescribe their exclusion accordingly in the preparation of the remodelled Forms. The following extract of the instructions already quoted, relates to this subject:

* No. 2,694, dated 6th November 1839, from Mr. Secy. Currie, Para. 12.
No. 1,782, dated 22nd Idem, from Court.
No. 1,360, dated 12th June 1840, from Court, Paras. 3 to 11.
No. 2,333, dated 29th July 1840, from Government.

The foregoing considerations, involving the nature and extent of the Auxiliary Agency in the Criminal Department, connect themselves closely with a subject to which your best attention should be directed and which should be noticed in your Report, viz. the long, moderate or short duration of a Criminal case, as affecting the convenience of parties and Witnesses therein, and as indicative of a sound and effective system or the reverse. When, therefore, the average number of days during which cases were under trial in a District appears excessive, or when great variation of time may be known to exist between one year or District, and another, the causes should be carefully investigated, and the principle of calculation tested, that is to say, whether individual cases of extraordinary protraction are included therein, or not, and whether the period is computed from the date of apprehension by the Police [as it should be] or from the date of arrival at the Sudder Station of the Magistrate."

M. SMITH,
Offg. Register

(No. 424.)

To the several Session Judges and Magistrates, in the North-Western Provinces.

Several instances have lately occurred of defective indictments in trials meant to be referred to the Nizamut Adawlut under Circular Order dated 7th May 1824, in which the administering "dhutoora" with intent to rob has been charged, but the designation of *poison* not specifically adduced in the charge.

2. As such wording is indefinite and open to objection, the Court are pleased to direct that, in future, indictments in cases of the nature referred to shall be worded simply "administering *poison or poisonous*, drugs," or "administering *intoxicating* drugs" [according as Circular Order of 7th May, 1824, or 18th September last, published in the *Gazette* of 11th November, 1840, may apply to the case] the article given, whether dhutoora or other substance, being adduced in the evidence in support of the charge.

Enjoins uniform mode of wording indictments in cases of administering poisonous or intoxicating drugs, in amendment of defective charge.

M. SMITH,
Offg. Register.

Allahabad, 24th March, 1841.

(No. 577.)

To the several Magistrates and Independent Joint-Magistrates, in the North-Western Provinces.

The Hon'ble the Court of Directors having signified a wish that the course of procedure authorized by law in cases where the Local Magistrates may be called on to adopt measures relative to Insane British subjects, should be defined and communicated for the guidance of those Officers, the Court circulate, with the sanction of Government, the following rules:

1. Whenever it may come to the knowledge of a Magistrate that an European British subject wandering about and at large within his jurisdiction is deemed to be insane, it shall be competent to him to direct the transmission of such person, in custody of a proper guard, but with due precautions against needlessly harsh or severe treatment, to the Sudder Station, and cause him to be carefully examined by the Civil Surgeon, and if, on such examination, coupled with other proof, the Magistrate shall be satisfied that such British subject is so far disordered in his senses that it is dangerous for him to be permitted to go abroad, he shall send him, under a proper guard, and with a certificate under his seal and signature, to what may be judged the most convenient place for his reception and confinement, which, in most instances, will probably be the Insane Asylum at the Presidency—securing, at the same time, the lunatic's property [should he have any] and intimating his state, in writing, to any relations or friends he may be known to have in India, and this rule shall not be understood to extend to prevent any such relation or friend that may be forthcoming from taking such lunatic with his property under his own care and protection.

2. The Magistrate is authorized to attach and sell by auction any personal property such declared lunatic may possess, with a view to the proceeds being applied to the payment of necessary charges of removal, maintenance, clothing, medicine, and care of such lunatic, and he will keep an account of what expenditure he may himself incur on this head in his own Office, and remit so much of the amount as may be needed to meet the above charges elsewhere.

3. Whenever there may not be sufficient property, or no property at all forthcoming, and no relatives or friends of the insane person may be discoverable to take charge of him, the Magistrate is authorized himself to disburse the necessary expences for the removal of the lunatic to the Asylum, and his subsistence in transit, and charge the amount to Government in a contingent bill, to be submitted with the countersignature of the Commissioner.

4. The Magistrate will report each occasion of his acting under the above rules to the Secretary to Government in the Judicial Department, soliciting special instructions with reference to any peculiar circumstances that may arise.

M. SMITH,
Register.

Allahabad, 30th April, 1841.

(No. 615.)

To the Magistrates, in the North-Western Provinces.

A práctice having become usual of the Criminal Statements Nos. 1 to 7, being submitted from many Districts under the signature of the Joint-Magistrate alone, as

Criminal Statements Nos. 1 to 7, to be sent up under signature of Magistrate as responsible Officer, and not of Joint-Magistrate.

the Officer vested with the charge of the department, the Court deem it necessary with advertence to the Circular Orders of Government in the Judicial Department dated 19th ultimo, and published in the Agra *Gazette* of the 27th idem, and especially to the purport of paragraph 7, to direct that, in future, whatever may be the extent to which the performance of the Criminal duties has been devolved on the Joint-Magistrate, the statements in question be always revised and signed by the Magistrate himself, with whom the whole responsibility is declared to rest.

M. SMITH,
Register.

Allahabad, 7th May, 1841.

(No. 855.)

To the Magistrates and Officers in charge of Jails, North-Western Provinces, including Saugor and Kumaoon.

The Returns to the Circular call for particulars regarding the working of the system of rations in Jails in the North-Western Provinces having been considered by the Court, they now, with the sanction of Government, promulgate for general information and observance, the following remarks and orders:—

2. Certain modifications of the existing plan have been resolved upon, as stated below, and will take effect from the 1st proximo:

1. The daily ration is reduced from 1 seer (80 Sicca weight) to 12 chitacks, (60 Sicca weight) that is, each convict will receive 10 chitacks of wheat flour, and 2 chitacks of "dall" daily, the latter to be replaced by an equivalent portion of vegetables, or rice, every second or third day, at the discretion of the Magistrate—in addition to this, a small quantity of salt, from ¼ to ½ a chittack, is to be served out to each prisoner daily. As an *indulgence*, and to be so explained, 2 chitacks of ghee, ½ a chitack of red or black pepper, and ½ a chittack of tobacco will likewise be distributed to each *weekly*.

2. The daily allowance of wood is limited to 1 seer, but can be issued in even less quantities, according as experience may shew the amount requisite for cooking the above quantity of food, and it will be the duty of the Officer in charge of the Jail to see that no superfluous issue or subsequent waste occur in this article of expenditure.

3. The practice of allowing prisoners to barter portions of their rations of "Otta" for other food, having been found prejudicial, will be entirely stopped. The whole of the above articles will be *served out* to the convicts. Every other article of food or luxury being strictly excluded from the interior of the prison, where no "buneeah" or shop of any sort will be permitted to be located. Under this rule, properly enforced, no portion of the ration will, of course, be exchangeable, nor will any means be attainable to a convict for exchanging, if so inclined. In no case will a departure from this rule be allowed except under direct instructions from the Civil Surgeon, whose requisition must be made through the Magistrate, and not in any way direct to the Darogah himself. The hospital is, also, of course, excepted from the operation of this general rule.

4. Barbers and Washermen are in future to be entertained on the part of Government, and the issue of the weekly pice to each prisoner for the purposes of washing and shaving, stopped; but it is expected that the charge on this account will not exceed the aggregate amount of the allowance of a pice per week per man heretofore paid by the State.

3rd. In carrying into effect the substitution of rations of food for a money subsistence allowed to prisoners, two plans have been advocated, viz. the formation of messes, and the distribution to convicts of cooked food, instead of raw flour or "dâl;"—the former plan has been in some Jails partly introduced, though in some instances strongly opposed by the prisoners of the Hindoo persuasion. Government are of opinion that these measures ought not to be compulsorily enforced if there be any good ground to believe that they will offend or violate the religious prejudices of the prisoners, or injure the future prospects of those who may be subjected to temporary imprisonment; while, on the other hand, should the real ground of opposition be repugnance to relinquish a practice which tends to lighten the irksomeness of confinement in Jail, such an objection ought to be at once set aside.

4th. Steps are in progress for ascertaining, as far as it may be possible, the extent to which these objections to messing and the acceptance of food cooked by others have tangible foundation or the reverse; and, in the meantime, the Magistrates are exhorted to encourage the system of messing as far as they discreetly can, without having recourse to measures of compulsion, which they are distinctly to understand must not, until further orders, on any account be resorted to.

5th. The plan of purchasing the wheat needed for consumption through a trusty agent, and having it ground inside the Jail by the prisoners themselves, the Court find to have been already widely adopted—as a valuable means of providing good nutritious diet in the place of adulterated food, and thus conducing to the improved health of the prisoners, its general introduction is no doubt desirable. But it must be borne in mind that trust-worthy superintendence, and the unrelaxed, personal exertions and scrutiny of the Magisterial and Medical Authorities are essential conditions of its success. Magistrates of any districts, where grinding by convict labor is not yet in force, are recommended to consult the Magistrates of Allahabad, Humeerpore, Furruckabad, or Bareilly, in the Jails of which districts its operation appears to be most effective.

6th. The application of the Doab Canal Mills to the grinding of flour for consumption in the Suharunpore Jail, recommended by the Medical Officer (Dr. Falconer) and Magistrate of that district, having been approved by Government, it is notified that the local authorities may proceed to carry the scheme into execution in such manner as may be found most advantageous.

7th. As further connected with the health of the prisoners, the importance of providing means for their more frequent ablutions and greater personal cleanliness is worthy of notice, as exemplified in the salutary effect produced on the health of the Cawnpore convicts, from the permission given them to bathe in a tank adjacent to the Prison. The same means may not probably exist in many districts for securing this object free of outlay; but Government is prepared to receive any plan for its attainment at a moderate expense, and considers that the attention of Magistrates may, in the meantime, be advantageously directed to the subject.

M. SMITH,
Register.

Allahabad, 2nd July, 1841.

ABSTRACT.

Certain modifications announced of rules in force regarding rations of food to convicts—in respect to the quantity and quality of food and mode of supplying it, to the provision of fuel, and to arrangements for shaving and washing.

Plan of forming messes to be encouraged—but no coercive means used, without orders to that effect.

Two points noticed as worthy of attention in relation to prisoners' health, viz. the purchasing wheat for Jail use, and grinding it by convict labor, and provision of means for ablution and personal cleanliness of inmates of the Jails.

(No. 949.)

To the several Criminal Authorities in the North-Western Provinces.

The Court having had occasion to consider the state of the law of perjury, as ruled by precedent* at page 282, of the 1st volume of Nizamut Adawlut Reports, are of opinion that the mere fact of a witness having wilfully given two statements directly at variance with each other, on a point material to the issue of the case in which he gives his testimony, must be held to be perjury; and that the deponent, on conviction, is punishable accordingly. This opinion is in conformity with the exposition of the Mahomedan law given in the paragraph at the bottom of page 21, of Vol. II. of Constructions.

* Viz. "to constitute the offence of perjury, punishable by the Regulations, in the case of a witness giving different depositions before a Magistrate and Court of Circuit, it is requisite that one of the two contradictory statements should be satisfactorily established."

2nd. Under this Construction of the law, the precedent cited will of course be held as superseded, and indictments for perjury, in cases of the kind described, will, in future, be drawn out after the form noted in the margin.*

* Charged with perjury in having on the 25th April 1840, and on the 5th May, 1840, given contradictory statements on affirmation before the Magistrate and Session Judge of Zillah ——, on a point material to the issue of the case.

M. SMITH,
Register.

Allahabad, 23rd July, 1841.

(No. 1166.)

To the several Magistrates in the North-Western Provinces, including Saugor.

The Court of Nizamut Adawlut, under instructions from Government, publish for the information of Magistrates the subjoined note of the estimate of capacity of certain Jails in the North-Western Provinces, which has been determined upon by the Executive Officers under orders of the Military Board, after communication with the local Authorities, who are reported to have assented to the accuracy of the calculation; and which the Court request may be adopted in future in the periodical returns sent up by the Magistrates to superior authority.

Authoritative Statement published of the number of Prisoners capable of being accommodated in the Jails of Districts in Benares, Allahabad, Cawnpore and Saugor Divisions.

2nd. This circular comprises the Districts within the Central Circle of Superintendence; the estimates for the more Westerly Districts will be published hereafter.

M. SMITH,
Register.

Allahabad, 10th September, 1841.

Statement showing the number of Prisoners the Jails in the Central Provinces, under the jurisdiction of the Nizamut Adawlut, are capable of holding.

Names of Jails.	Executive Officer's estimate as framed according to the instructions of the Board's Circular dated 15th December, 1840, and after communication with the local Civil Authorities.			Remarks.
	Male Prisoners.	Female Prisoners.	Total.	
Benares,	791	72	863	
Ghazeepore,	913	10	923	
Mirzapore,	559	47	606	
Jounpore,	673	34	707	The calculation for the Jounpore Jail allows but 15, instead of 20 square feet per convict. This reduction is made at the request of the Magistrate; but on an unsafe calculation, as 5 by 3 is not enough for the accommodation of a man.
Azimgurh,	612	20	632	
Goruckpore,	1,453	45	1,498	
Allahabad,	890	60	950	
Futtehpore,	611	64	675	
Banda,	806	50	856	
Humeerpore,	485	„	485	
Cawnpore,	710·4-5ths	64	774·4-5ths	
Saugor,	252	15	267	
Hoshungabad, including Nursingpore,	304	30	334	
Baitool,	80	„	80	
Dummow,	59	7	66	
Jubbulpore,	450	37	487	
Seeonee,	106	„	106	

M. SMITH,
Register.

(No. 1248.)

To the several Magistrates in the North-Western Provinces.

The Court adverting to the usual increase of mortality in the Jails on the approach of the cold season, and to the necessity of mitigating, by all possible means, the evil effects caused by change of season to which much of the sickness is wont to be ascribed, take occasion to call the attention of Magistrates to Circular Order of the Nizamut Adawlut, dated 14th October, 1836, enjoining that all prisoners in confinement during the cold season, not already so provided, are to be furnished with blankets, which should invariably be issued on or before the 15th October.

M. SMITH,
Register.

Allahabad, 24th September, 1841.

ABSTRACT.

Attention of Magistrates called to Circular Order of 14th October, 1836, regarding issue of blankets to convicts.

(No. 1540.)

To the several Magistrates in the North-Western Provinces including Kumaoon.

Authoritative Statement published of the number of prisoners capable of being accommodated in the Jails of Districts in Delhi, Meerut, Rohilkund and Agra Divisions, and in Jails at Dehra, Almorah and Subathoo.

In continuation of Circular Orders No. 1166, dated 10th and published in the Government Gazette of 28th September last, the Nizamut Adawlut, under instructions from Government, publish, for the information of Magistrates, the subjoined note of the Estimate of capacity of certain other Jails in the North-Western Provinces, which has been fixed by the Executive Officers under orders of the Military Board, after communication with the local authorities, who are reported to have assented to the accuracy of the calculation of the Executive Department, made at 20 square feet of area per man, and which the Court request may be adopted in future in the periodical Returns sent up by the Magistrates to superior authority.

M. SMITH,
Register.

Allahabad, 30th November, 1841.

Statement shewing the number of prisoners the Jails in the North-Western Provinces, under the jurisdiction of the Nizamut Adawlut are capable of holding.

Names of Jails.	Executive Officer's estimate framed according to the instructions of the Board's Circular dated 15th December 1840, and after communication with the Local Civil Authorities.			Remarks.
	Male prisoners.	Female prisoners.	Total.	
Bareilly, ...	787	114	901	Additional shelter has been sanctioned for 60 prisoners at Bareilly and is now under construction—estimates not yet submitted.
Moradabad, ...	798	20	818	The cutcha Jail at Moradabad has not been constructed by this [the Executive] Dept.
Shahjahanpore, ..	233	,,	233	
Futtehghur, ...	468	50	518	
Bijnour, ...	378	26	404	
Budaon, ...	360	36	396	
Agra, ...	1502	64	1566	
Muttra, ...	376	,,	376	
Etawah, ...	562	30	592	
Mynpoorie, ...	695	34	729	
Allygurh, ...	613	35	648	
Delhee, ...	466	40	506	Additional shelter has been sanctioned for 60 prisoners at Delhi and is now under construction—estimates not yet submitted.
Goorgaon, ...	120	5	125	The Jail at Goorgaon has not been constructed by this Department.
Meerut, ...	709	21	730	
Moozuffernugger, .	390	50	449	
Seharunpore, ...	490	82	572	
Boolundshehur, ..	304	16	320	
Dehra, ...	141	15	156	
Paneeput, ...	244	48	292	The Jail at Paneeput has not been constructed by this Dept.
Rhotuck, ...	405	212	617	
Sirsa, ...	279	,,	279	The Jail at Sirsa has not been constructed by this Department—an estimate for a Jail, capable of containing 500 prisoners has also been called for.
Hissar, ...	158	,,	158	The Jail at Hissar has not been constructed by this Department.
Almorah, ...	78	5	83	
Subathoo, ...	51	,,	51	The Jail at Subathoo has not been constructed by this Department.

(Signed) F. ABBOTT, *Captain,*
Offg. Superintending Engineer, N. W. P.

(True Copy.)

M. SMITH, *Register.*

(No. 68.)

To the Session Judges and Magistrates in the North-Western Provinces.

Abstract.
Applicability declared of rule in paragraph 4, of Circular Order, dated 12th June, 1840, to cases of *Assault*.

It is hereby notified that the principle of the rule in paragraph 4, of Circular Order, of the Nizamut Adawlut, No. 1412, dated 12th June, and published in the Government Gazette of the 16th September 1840, has been held to apply to cases of *Assault*, by the Courts of Calcutta and Allahabad, who observe that, while certainly the character of the offence of Assault may frequently be more grave, when committed with deliberation, and so far differ from the prevalent descriptions of affray arising from sudden quarrels, still it may safely be left to the discretion of the Magistrate to commit, or dispose of the case himself with reference to the nature of the injury and the apparent intent of the aggressor.

M. SMITH,
Allahabad, 25th January, 1842. *Register.*

(No. 69.)

To the several Sessions Judges and Magistrates in the North-Western Provinces.

1st. Instances being of frequent occurrence in which, owing to the removal of Sessions Judges towards the end of the year, and the unacquaintance of their successors with the circumstances of the district, reports are sent up nearly blank, Government have signified a wish that the Court "will frame some rule by which such deficiency of information may not again occur from such a cause, and require Sessions Judges, on removal from the Station, to place on record their sentiments and opinions on the administration of those subordinate to them up to the period of their quitting the Office of Control." The Court therefore direct that, as laid down for the Civil Department by Paragraph 9 of Circular Order, dated 21st December, 1838, the Sessions Judges will invariably, prior to delivering over charge of their Offices on quitting a district, record a minute to be made over to their successor, containing the particulars referred to, and any other observations or results of experience they may deem necessary or useful. The above rule is also applicable to Magistrates under similar circumstances.

2nd. The following Extract of the orders of Government is, at the same time, appended relative to the responsibility of Magistrates, as explained in the Circular issued by order of Government in the Judicial Department to Commissioners, under date 19th, and published in the *Gazette* of 27th April, 1841, to which the particular attention of those Officers is called. His honor deems it right to take this opportunity of intimating to the Magistrates generally, through the Court, that they will not be exonerated from the responsibility which attaches to their Office by urging in extenuation of mal-administration that the Criminal duties were intrusted to the Joint-Magistrate. On this subject a Circular was addressed to Commissioners on the 19th April, 1841, and the Court are requested to press the purport of the admonition it contains on the attention of all the Judicial Functionaries under their control.

M. SMITH,
Allahabad, 25th January, 1842. *Register.*

ABSTRACT.

Orders of Government communicated regarding points to be observed by Sessions Judges in preparing Annual Criminal Reports, and relative to the responsibility of Magistrates.

(No. 69.)

To the several Sessions Judges and Magistrates in the North-Western Provinces.

They (Sessions Judges) are requested to include in their Annual Report on the Administration of Criminal Justice, a notice of the state of the prisons within their respective jurisdictions, as inspected by them, and of the operation of Régulation VI. 1832, in criminal trials, (points omitted by some Officers,) and the Court would encourage observations on the general character and result of the Criminal administration, for estimating which such good opportunities are enjoyed by Session Judges, and would desire that, whenever, the Reports of the Magistrates may contain useful remarks or suggestions, or valuable infomation, copies or extracts may be appended to the Yearly Report.

The injunction cited in the margin, respecting the mode of preparing the Yearly Reports on Criminal Justice submitted by Sessions Judges, contained in par. 4 of Circular Order, No. 2412, dated 16th December, 1840, having been imperfectly observed in the Reports last sent up, the Court again call the attention of Sessions Judges to this subject, with reference to the Reports for the year 1841, now due, and to the following remarks of Government contained in the Secretary's letter of 19th instant, conveying orders on the Court's Annual Report for 1840:—"His Honor is compelled to remark that to send up a mere figured Abstract is not what a Sessions Judge should suppose a sufficient performance of his duty, when submitting so important a document as the Annual Report; these Officers should be instructed to notice more in detail the working of the system, the condition of the Prisoners, the state of the jails, and other points which fall within the province of a Sessions Judge's observation. His Honor trusts that the Court will cause attention to be paid to this point in furnishing the Reports for the year just concluded, and that they will call in the authority of Government, if necessary, to enforce a due regard to their admonition."

M. SMITH,
Register.

Allahabad, 25th January, 1842.

(No. 70.)

To the several Magistrates and Independent Joint-Magistrates in the North-Western Provinces.

Plan circulated for general information, for employment at a Corn-Mill of Convicts sentenced to imprisonment for life, within the Jail.

With the sanction of Government the Court of Nizamut Adawlut publish, for the information of Magistrates, Extract paragraph 9, of a report on Criminal Justice by Mr. Pidcock, Officiating Additional Session Judge of Bareilly, detailing a scheme devised by that Officer, and carried into effect in the Bareilly jail, for giving suitable employment to convicts under sentence of imprisonment for life, within the prison. The plan appearing to possess many recommendations is made public, as a hint to Officers in charge of jails, who will exercise their discretion whether, when, and to what extent, they may find its introduction practicable or desirable. It encountered a rather determined opposition on the part of the prisoners in the Bareilly jail, at first, but was ultimately carried into successful effect through the resolute and discreet measures of the Magistrate, Mr. R. H. Clarke, with whom it would be advisable for any Magistrate desirous of trying the experiment, previously to communicate—Corn-mills of the description used at Bareilly are, it is understood, best procured at Agra.

M. SMITH,
Register.

Allahabad, 25th January, 1842.

Extract, Paragraph 9, of a letter from the Officiating Additional Session Judge of Bareilly—To the Register Nizamut Adawlut North-Western Provinces, dated 12th April 1841, No. 30.

Para. 9.—While on the subject of prison discipline, I may be allowed to allude to a system of labour devised for the most hardened and desperate characters confined in the Bareilly jail, and who have hitherto escaped all labour in consequence of the dread entertained of them, and the fear of their escape. In my report on prison discipline the system of grinding atta for the consumption of the convicts by means of large mills was brought to the notice of the Court. It subsequently occurred to me that the labour of the most desperate Prisoners might readily be substituted for that of bullocks. The suggestion was made to, and at once adopted by, the Magistrate — 16 convicts are employed at each mill — four at a time, in propelling each end of a horizontal bar, by means of which the stones are put in motion. As the labour is severe the sets are relieved every half hour, and the work is carried on without interruption from morning till evening. A wall is constructed so high as effectually to screen the Prisoners employed, and to prevent their being amused by what is going on outside, and they are not allowed to converse, or to make any noise. The quantity of atta ground daily by 16 men is 2 maunds, and is equal in quantity to that produced by the labour of 4 bullocks. After years of indolence this description of labour is any thing but palatable to the convicts employed, and they did all in their power to resist it. It appears to me a most admirable mode of punishment, and to possess all the advantages of a tread mill without any of the drawbacks attending that mode of punishment. As other Magistrates may have experienced the same difficulty in providing suitable employment for the most hardened convicts in their jails, perhaps the system here described may be deemed worthy of more general adoption.

(True Extract,)

M. SMITH,
Register.

(No. 165.)

To the Sessions Judges and Magistrates in the North-Western Provinces.

In directing the attention of the Officers concerned to the provisions of Act No. XXXI. 1841, as regards Criminal Appeals, the Court request they will observe.

ABSTRACT.
Instructions given, and additional Statement prescribed consequent on Act No. XXXI. of 1841.

2. *First.*—That every order of an Assistant to a Magistrate not vested with special powers, of a Principal Sudder Ameen, Sudder Ameen or Law Officer, passed in a criminal trial or proceeding is appealable to the Magistrate, or other Officer exercising the powers of Magistrate, whose decision on the appeal is final.

Secondly.—That every sentence or order of a Magistrate, Joint-Magistrate or Assistant vested with special powers, awarding a higher punishment than that prescribed by Section 4, Regulation XVI. 1795 (for Benares Province) and Sections 8 and 9, Regulation VI. 1803 (Ceded Provinces) is appealable to the Sessions Judge, whose decision is final.

Thirdly.—That the Law allows no appeal to the Sessions Judge from the sentence of a Magistrate, Joint-Magistrate or Assistant vested with special powers, awarding a punishment within the limitation prescribed by the above mentioned enactments.

Fourthly.—That every order of a Magistrate, Joint-Magistrate, or Assistant possessing special powers, passed in any judicial proceeding other than a criminal trial is appealable to the Sessions Judge, whose decision thereon is final.

3. With reference to the foregoing remarks Session Judges are requested to add another head to their Monthly Statement, 10 and 11, after the heading "Joint Magistrate," shewing the appeals from the sentences and orders of the Assistants vested with special powers. The additional sub-columns directed to be entered under the final column of the same Statement by Circular Order, dated 23rd January, and published in the Gazette of 10th February, 1841, may now be discontinued.

4. Magistrates will also furnish to the Session Judges with their other monthly Returns, two copies of a monthly Statement (after the form hereto appended, marked L) of the appeals preferred to them from the sentences and orders of the Assistants, Principal Sudder Ameens, Sudder Ameens and Law Officers subordinate to them; one for record in the Session Court, and the other for submission, by such Session Judges as have only *one* Magistrate subordinate to them, to the Nizamut Adawlut. Where the Session Judge's Jurisdiction may include more than one Magistrate, that Officer will embody the information contained in the several Returns in one Statement, similar in form to No. 10 and 11, in present use in those Session Judgeships to which more than one Magistrate are subordinate.

M. SMITH,
Register.

Allahabad, 28th January, 1842.

Statement shewing the number of Appeals preferred from the orders of the Assistant to the Magistrate, Principal Sudder Ameen, Sudder Ameen and Law Officer of Zillah ———— to the Magistrate or other Officer exercising the powers of Magistrate, in Criminal Trials, and in proceedings other than Criminal Trials during the month of ———— with the orders passed thereon.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Appeals from Orders passed in Criminal Trials.								*Appeals from orders passed in proceedings other than Criminal Trials.*							
From the orders of	Pending on the	Preferred during the	Total.	Appeal rejected	Order confirmed	Order modified or Reversed	Pending at the close of	Longest period during which any undecided case was pending	Pending on the	Preferred during the	Total.	Appeal rejected	Order confirmed	Order reversed or modified	Pending at the close of	Longest period during which any undecided case was Pending
Assistant to the Magistrate.																
Principal Sudder Ameen. ..																
Sudder Ameen.....																
Law Officer.....																

(No. 386.)

To the several Magistrates in the North-Western Provinces.

The Court direct that Magistrates who may send insane persons to any of the Insane Hospitals in the North Western Provinces or to the Asylum at the Presidency, will forward, with each Patient, a Descriptive Roll, in the annexed form, with the column of remarks filled up by the Surgeon of the District in those cases in which the patient has been attended by him.

* *Column* 3.	*Column* 4.
Place of Residence profession and Age.	List of Patient's property sent with him to Asylum, as well as of any sold to meet charges, with amount realized by such sale.

2nd. In the case of Insane European British subjects sent under Circular Order dated 30th April, published in the Gazette of 11th May, 1841, columns 3-4-5 and 6 may be compressed into two columns, as shewn in the margin.*

M. SMITH,
Register.

Allahabad, 18*th March,* 1842.

ABSTRACT.

Form prescribed of descriptive Roll of Insane Persons for transmission with them to Insane Asylum.

FORM.

1	2	3	4	5	6	7	8
Name of Patient.	Names of near relatives or members of family.	*Residence.* Including names of Village, Pergunnah and Zillah.	Caste and occupation or Trade.	Age.	List of articles as clothes, &c. belonging to Patient, and sent with him to Asylum.	Circumstances which induced restraint of Patient, and his transmission to Asylum.	*Remarks.* Brief history of case, supposed cause of insanity, &c.

(No. 472.)

To the several Sessions Judges, Magistrates and Joint-Magistrates in the North-Western Provinces.

With reference to the provision in Section 5, Act No. XXXI. 1841, for the Sessions and Magisterial Authorities being empowered to call for and examine the records of Courts immediately subordinate to them, to satisfy themselves as to the proceedings of such Courts being regular, but without power to *alter* any sentence or order of such Courts save on appeal regularly made under the Act, the

Rule of practice and procedure communicated for observance with reference to part of Act No. XXXI. 1841.

Court notify that, it is the duty of the authorities alluded to, to report any cases the circumstances of which, on revision, may suggest the propriety of interference to the Nizamut Adawlut, in order that that Court may proceed respecting them as shall appear proper.

2nd. Such reports will always be accompanied by the record of the case to which the reference relates, and by an English letter commencing "under Section 5, Act No. XXXI. 1841, and Circular Order of the Nizamut Adawlut dated 18th March, 1842, I herewith transmit the record of the case noted in the margin, to be laid before the Nizamut Adawlut, with the following report:"—Thereafter will follow a concise account of the irregularity or other matter on which the interference of the Court is sought. The Magisterial authorities will send these reports for submission to the Court through the Office of the Session Judge to whom they may be subordinate.

3rd. In thus apprizing the local Officers of the duty devolving on them under the Act recited, the Court abstain from entering into any detail of the particular occasions, on which such reports may require to be made, or attempting to define what descriptions of grave irregularity of procedure, undue severity of punishment, &c., may call for the adoption of the course. It is deemed sufficient to enjoin the Officers in question, generally, to exercise a sound discretion in making references to the Court, under this rule, so that neither important errors and omissions may escape correction, nor the time of the Court be needlessly engrossed by matters not demanding their interference.

4th. Session Judges in referring trials under Section 6 of the Act above quoted, will always indicate the same in the commencement of their letter in form following:—

"I herewith transmit to be laid before the Nizamut Adawlut under Section 6, Act No. XXXI, 1841," &c. &c.

M. SMITH,

Allahabad, 18th March, 1842. *Register.*

(No. 580.)

To the Magisterial Authorities in the North-Western Provinces.

The Court having received some statements that give reason to doubt how far the reduced allowance of daily ration to prisoners, viz. 12 Chitacks of meal, prescribed by Circular Order dated 2nd, and published in the Government Gazette of the 20th July last, is quite adequate for the maintenance, in a state of strength and fitness for hard labor, of those convicts, among the inmates of the Jails, who are subjected to hard work on the roads, and exposed to the ardor of the sun, deem it proper, while they as yet see no grounds for any *general* modification of the order above quoted on the plea of the scale of diet sanctioned by it being too low, in respect to any other classes of prisoners, at the same time to accord a conditional discretion to Magistrates, in communication with the Civil Surgeon, and with the assent of that Officer, to increase the daily allowance of ¾th of a seer to *hard worked and exposed convicts, only,* in any measure *within* the limit of 1 Seer—whenever there is good reason to conclude that failure of health and strength in such prisoners is connected with the insufficient quantity of food allowed them.

2nd. This discretion should be exercised with caution, and only in manifest cases of exigency, and its effect watched, that means may be afforded for judging whether improvement in the sanitary state of the prisoners to whom the indulgence is extended is the consequence.

M. SMITH,

Allahabad, 4th May, 1841. *Register.*

(No. 803.)

To the several Magisterial Authorities in the North Western Provinces.

The Court of Nizamut Adawlut request that in any instance in which Magistrates or Officers in charge of Jails may have found it expedient to act on the discretion allowed by Circular Order, No. 580, dated 4th and published in the Government Gazette of the 10th ultimo, in respect to a conditional increase of the daily ration to a certain description of convicts, they will report having done so, within one month from the date of the Gazette in which this order appears, as also whenever they may act on it in future, for the information of the Court, submitting, at the same time, copies of any correspondence with the Medical Officer or other public authority which may have passed, as well as of any opinion that may have been recorded on the subject of the adequacy, or otherwise, of the ration of ¾ of a seer daily.

M. SMITH,
Register.

Allahabad, 24th June, 1842.

ABSTRACT.

Report ordered to be made in instances of Magistrate's granting increase of ration to certain convicts under Circular Order 4th May, 1842.

(No. 861.)

To the several Session Judges in the North-Western Provinces.

The Court of Nizamut Adawlut publish the following instructions regarding the applicability of the provisions of Act XXXI. 1841, to the orders passed by Magistrates on the cases of prisoners detained in confinement, in default of Security for good conduct, agreeably to Regulation VIII. 1818.

Rule circulated touching orders of Magistrates in case of Security prisoners under Regulation VIII. 1818, as affected by Act XXXI. 1841.

2nd. Under Clause 2, Section 8, of that Regulation, those cases, in which the demand for Security does not exceed one year, do not need to be laid before Session Judges.—Such cases consequently, are not in future to be revised by Session Judges,—except on appeal by the parties.

3rd. But those cases in which Security for more than a year is demanded, must still be submitted, for confirmation, to the Session Judge, who is competent, under Clause 2, Section 9, of the enactment cited, to modify or annul the orders passed by the Magistrate, should he see grounds for so doing.

M. SMITH,
Register.

Allahabad, 1st July, 1842.

(No. 862.)

To the several Magisterial Authorities in the North-Western Provinces.

Much diversity, being believed by the Court to exist in the mode of marking Convicts sentenced to imprisonment for life on the forehead by the process of "Godna"

such process being often carried into effect in a very imperfect manner, so as to escape observation, or admit of easy effacement, a relaxation of the rule which is understood to prevail chiefly in the case of the more influential prisoners. The Court of Nizamut Adawlut for the Lower and Western Provinces, adverting to the declared object of the infliction of "godna" viz. to facilitate the reapprehension of Convicts under perpetual imprisonment who may escape from prison, are pleased to prescribe the following Rules.

1st. The particulars required by Law to be inscribed in the performance of "godna" shall invariably be marked upon the forehead of the Convict *immediately above the eye brows*, in a straight line, the injunction in Clause 4, Section 12, Regulation XVII. 1817, for the performance of the operation early in the morning, the adoption of precautions against effacement in the course of the day, and the subsequent renewal of the inscription, when illegible, being duly observed by the Magistrates.

2nd. It is the duty of every Magistrate, personally to examine each prisoner on whom "godna" may have been inflicted: and for any deviation from, or neglect of, the rule now laid down, which may occur that functionary will be held responsible.

M. SMITH,

Allahabad, 1st July, 1842. *Register.*

ABSTRACT.

Rule prescriptive of uniform process of marking convicts sentenced to perpetual imprisonment with "Godna," and of observance of other precautions in the matter.

(No. 1255.)

To the several Criminal Authorities in the North-Western Provinces.

With reference to the great disproportion for the most part observable in the Magistrate's criminal statement, No. 1, between the number of certain classes of crimes reported as "ascertained to have been committed," and the number of perpetrators apprehended and brought before the criminal courts for trial, a result believed to be referrible to the restrictive operation of Clause 2, Section 2, Regulation II. 1832, prohibiting thanadars from apprehending persons, and entering on the inquisition of charges touching such offences (vizt. simple burglary and theft) without the presentation of a petition to that effect, or without the issue of specific orders by the Magistrate, the Court, in order to obtain means of information which are at present wanting, direct that, from issue of this order, Magistrates will invariably append at the side, or foot of part 1, of their monthly Criminal Statement a note after the form given in the margin, shewing how many burglaries and thefts unattended with personal violence were left uninvestigated under the operation of the law above cited.

Note—Out of total number of entries in Column 3 under headings 19, 20, and 23, (say 152) 125 were uninvestigated with reference to Regulation II. 1832, viz., under heading 19, 55 cases, under heading 20, 19; under heading 23, 51, cases.

2nd. Magistrates are, at the same time, requested to report to the Court, in answer to this letter, what principle is wont to govern their procedure in relation to this question, that is to say, what occasions they consider to warrant the issue of specific orders for the apprehension of delinquents, and investigation of their imputed acts, and what rule guides their abstinence from the issue of such instructions.

M. SMITH,

Allahabad, 16th September, 1842. *Register.*

ABSTRACT.

Directs insertion of Note in Magistrate's Monthly statement, shewing number of certain classes of offences uninvestigated under operation of Regulation II. 1832, and calls for report as to principle that governs Magistrate's proceedings with reference to that law.

(No. 1280.)

To the several Criminal Authorities in the North-Western Provinces.

Rule of the Circular Order of 25th February 1820, extended to the Nazirs of the Foujdarree Courts.

The Court notify that, with reference to the Circular order of the 25th February, 1820, which authorizes the payment to the Nazirs of the Civil Courts of a Commission of one anna per Rupee on the proceeds of unclaimed property of persons dying intestate, which may be sold by them, the Government have been pleased to sanction the extension of the rule to the Nazirs of the Foujdarry Courts who may be ordered to sell unclaimed property.

M. SMITH,
Register.

Allahabad, 26th September, 1842.

N. B. The distinction of the two kinds of property is pointed out in Circular Order of Nizamut Adawlut.

dated { Western Provinces 17th November. / Lower Provinces 15th December. } 1837

No. 3 of Printed Circulars Volume III, Part 1.

(No. 1315.)

To the several Criminal Authorities in the North-Western Provinces.

With reference to an instance of recent occurrence of a dacoit prisoner in progress from one District to another having killed the guard in charge of him, the Court, under instructions from Government, caution public officers against ever suffering a prisoner charged with a heinous offence who may be under transmission from one station to another, to proceed under such inadequate custody as the charge of a single Burkundaz. The crime of which a prisoner under such despatch is accused should, also, be invariably written in the perwanah meant to accompany the despatch.

M. SMITH,
Register.

Allahabad, 1st October, 1842.

ABSTRACT.

Prohibits despatch of any prisoner charged with heinous offence from one District to another under a single burkundaz.

(No. 1375.)

To the several Session Judges in the North-Western Provinces.

The Court having reason to believe that some of the Session Judges continue to

act upon Construction 940, in regard to appeals from the orders of the Magistrate preferred by Officers attached to the Jails, are pleased to declare that the Construction in question must be held to be superseded by Act XXXI. 1841, the second Section of which provides that *all* orders passed by a Magistrate in judicial proceedings other than Criminal Trials are appealable to the Session Judge.

M. SMITH,
Register.

Allahabad, 15th October, 1842.

ABSTRACT.

Construction 940, declared to be superseded.

(No. 1420.)

To the several Criminal Authorities in the North-Western Provinces.

The Court are pleased to direct that it be explained to the Darogahs and other Police Officers that they are to make use of the form of declaration circulated on the 15th May, 1840, in all cases wherein they are authorized by the Regulations to take a deposition on Oath, by causing the deponent to repeat the words of the form before giving his deposition, and stating at the head of the written deposition that he was sworn according to the provisions of Act V. 1840.

2. Magistrates will furnish for the use of each Thana, the prescribed forms of declaration as given below.

M. SMITH,
Register.

Allahabad, 4 th November, 1842.

ABSTRACT.

Directs the use by Police Officers of form of declaration prescribed by Act V. 1840.

(No. 1421.)

To the several Sessions Judges in the North-Western Provinces, and Commissioner of Saugor.

The Court of Nizamut Adawlut having completed the revision of the monthly and annual Criminal statements on which they have been for some time engaged, hereby notify having forwarded to the several Officers concerned new forms of statement which have been devised for submission by the Session Judges and Magistrates, respectively, as enumerated in the margin,* together with separate printed Rules for guidance in preparing the statements of each of those departments, seve-

Session Judge's Statements.

No. 1—Statement of persons brought to trial, convicted, acquitted and referred.

No. 2—Detail of headings 41 and 42 of Statement No. 1.

No. 3—Statement of prisoners detained on requisition of Security.

No. 4—Statement of appeals preferred from the Magistrate's and Joint-Magistrate's orders.

No. 5—Abstract of Sessions operations.

No. 6—Statement of prisoners punished without reference.

No. 7—Register of Criminal trials referred to the Nizamut Adawlut.

No. 8—Statement of prisoners acquitted by the Session Judge.

No. 9—Register of Criminal trials for the submission of which to the Nizamut Adawlut orders have been received during the month.

No. 9 A.—Statement shewing the number of appeals preferred from the orders of the Assistant to the Magistrate, Principal Sudder Ameen, Sudder Ameen and Law Officer.

No. 10—Calendar of trials postponed.

No. 11—Annual statement of persons confined in jail on requisition of security for good conduct.

No. 12—Statement of the average time occupied in the disposal of cases.

No. 13—Particulars regarding persons employed as Punchayet assessors and jury under Regulation VI. of 1832.

Magistrate's Statements.

No. 1—Parts 1 to 8—Statement of Crimes Committed, persons under trial, convicted, committed and acquitted during the month or year.

No. 2—Parts 1 and 2—Details of headings 41 and 42 of Statement No. 1, part 1.

Part 3—Disposal of the prisoners and casualties.

Parts 4 and 5—Persons in custody in default of security for good conduct.

Part 6—Persons in custody in default of security to keep the peace.

No. 3—Parts 1 and 2—Prisoners under Commitment when the Statement closed.

No. 4—Abstract Statement of summary suits for forcible dispossession under Act. IV. of 1840.

No. 5—Statement of prisoners whose cases were under reference to the Nizamut Adawlut.

No. 6—Abstract Statement of Criminal business disposed of and pending.

No. 7—Abstract of the calendar of persons convicted, committed and acquitted by the Magistrate, Joint-Magistrate, &c.

No. 8—Average period which intervened between the date of apprehension or summons and disposal of the cases in the Magistrate's Court.

No. 9—Statement shewing the number of appeals preferred from the orders of the Assistant to the Magistrate, Principal Sudder Ameen, Sudder Ameen and Law Officer.

rally, and enjoin the introduction of the same from the commencement of the ensuing year, the monthly forms for the returns of each month beginning with January next, and the yearly forms for reporting the operations of Criminal Justice for 1842.

2nd. The more comprehensive form of these statements in consequence of the various additions and alterations which have been made, in devising them, and the increased utility likely to result from them, as records of information and check, will be obvious; and the mode of their preparation, together with the way in which one part corresponds with another and thus constitutes a powerful means of detecting error, is fully detailed in the printed rules.

3rd. But to ensure any practical value in these returns care and attention in their preparation, and unabated vigilance in their supervision are absolutely essential. The duty of a Session Judge in revising the Magistrate's statements, will be not only to see that they are technically accurate, and that no part of the information they are expected to contain is wanting, but to ascertain, as far as they supply means of judging, whether the several Officers subordinate to him have been assiduous in the discharge of their duties. He will notice any irregularity that may appear on the face of the statements, taking such immediate steps as consist with his competency to correct the same, calling for explanation on any points that may require it, and briefly stating on the return under the head of "Remarks" the nature of any orders which he may have issued to the Magistrate or his subordinates.

4th. The above observations apply with equal force to all returns monthly and yearly, submitted through the Session Judge's Office. His annual report on the administration of Criminal Justice should be prepared with due advertence to the various points noticed in Circular Orders, No. 165, dated 23rd January, and published in the Oordoo Gazette of 16th February 1841, and No. 69, dated 25th January, and published in the Gazette of 1st March, 1842.

5th. In reciting the detail of orders confirmed, modified or reversed by his Court in cases carried up in appeal by parties dissatisfied with the Magistrate's decision, the Session Judge will state what opinion of the general character of the proceedings of that Officer or the authorities subordinate to him has been induced by such revision as well as by the perusal of any proceedings he may have called for and examined under Section 5, Act No. XXXI. 1841; any other circumstances which may appear to the Session Judge worthy of being noted concerning this branch of his controlling duties will be acceptable to the Court as a further means of estimating the efficiency of the Magisterial body, and the success of their administration.

6th. The opinion which may be arrived at of the proceedings of the Magistrate and his subordinates from the result of the commitments made to the Sessions Court should be recapitulated in the report, with such prominent reference to particular cases tried during the year as may serve to illustrate the remarks.

7th. In reviewing the performances of the year, the Judge will not fail to advert to the share taken by the several Officers subordinate to the Magistrate in the disposal of Fouzdaree business, and to the manner in which they have severally discharged their duties. The Magistrate should therefore be required to report specifically on these points, with reference to the Joint Magistrate and Assistants (if any) under him, and to the Native Judges and Law Officers. The services rendered in this department by the Native Judges should be distinctly brought into view, and the result of the appeals from their orders noticed by the Magistrate.

8th. As respects the Session's Court, particulars will be expected of the extent of the use of the Jury or Assessor system in Criminal trials, and the degree of success attending it, of the mode of selecting such agency (to illustrate which a new form, No. 13, has been devised) and of the defects or abuses found or suspected to prevail in making use of it with an opinion as to the best remedy.

9th. Besides the points noted, the Court request that Sessions Judges will bring to their notice whatever they may consider worthy of remark either in the laws in force, or in the instruments for administering them, comprehending such information of the condition of the district under them as local experience and observation will readily supply, but to convey which the most elaborate figured statements would be inadequate.

10th. In order to ensure the requisite information being furnished irrespectively of changes of officers, the Court direct that whenever a Session Judge may deliver over charge of his office preparatory to any thing beyond a temporary absence, he shall place on record a minute containing particulars of the nature aforesaid, and his opinion of the several points to which allusion has been made, for the use of his successor, and eventually for submission to the Court.

11th. A supply of blank lithographed forms of each description of statement sufficient for immediate use has been already forwarded: and officers will in future indent on the Court for every fresh supply they may require, making such timely applications as to admit of the forms reaching them before those last furnished are entirely exhausted so as to obviate delay in the submission of the statements at the prescribed period, or the necessity of having recourse to manuscript forms.

M. SMITH,
Register.

Allahabad, 4th November, 1842.

ABSTRACT.

Intimates despatch of the revised forms of Criminal Statements and Rules for their preparation.

(No. 1449.

To the Criminal Authorities in the North-Western Provinces.

The Court of Nizamut Adawlut notify that it has been ruled by Government, with reference to the stationary position of the Sessions Judges under the present system,

and their consequent inability without suspension of their civil business, to undertake a duty properly devolving on them under the law, that the periodical visitation and inspection of the Jails of those districts which are not the Sudder Station of the Sessions Judge within whose jurisdiction they lie, * are to be vested in the Commissioners, who will, in future, take the opportunity furnished by their official tour to inspect such Jails, reporting the result to the Court.

* Such as Moozuffernugger, Etawah, Mutira, Humeerpore, &c.

2nd. The supervision of the Commissioner, on such inspections, will be limited to the observance of matters connected with the management and discipline of the Jail, and to reporting to the Court any circumstances which may be deemed to call for interference or amendment and will not extend to any further proceedings, with reference to the controlling and superintending authority vested in another power by Section 7, Act XXIV. 1837.

M. SMITH,
Register.

Allahabad, 9th November, 1842.

ABSTRACT.

Rules that the visitation and inspection of Jails of districts not the Sudder Station of a Session Judge shall, in future, be vested in the Commissioners.

(No. 1630.)

To the Criminal Authorities in the North-Western Provinces.

Various references have from time to time been made to the Court of Nizamut Adawlut since the passing of Act, No. XXXI. 1841, as to the competency of a Judge of Sessions, under the terms of that law, to direct the apprehension, with a view to commitment for trial, of a person the charge against whom has, either with or without the arrest of the party, been investigated and dismissed by the Magistrate on the ground of the insufficiency of the proof against him, or from other cause; in cases which would, if proceeded with, be respectively *within* or *beyond* the Magistrate's power to dispose of on trial by a final order.

2nd. In respect to cases of the former description, viz. those which the Magistrate could decide of his own authority, the Court have communicated their opinion that the order of that Officer for dismissal of the charge must be viewed as a legal acquittal, and could not, in any view, be considered tangible by the Sessions Court.

3rd. As regards the other sort of cases, viz. those *beyond* the Magistrate's competency to try, the Court deemed it expedient temporarily to adopt [under protest, and holding themselves a different opinion,] the view of the Nizamut Adawlut in Calcutta *against* the power of interference of the Sessions Court, pending the result of a reference on the subject which they had requested might be made to the Legislative Council; and instructions of a corresponding tenor were accordingly issued in reply to the references made.

4th. The remarks of the Supreme Government having been recorded in the matter, the Court of Nizamut Adawlut, North-Western Provinces, resolve to maintain their view of the power of interference of the Sessions Courts, in the case stated in paragraph 3, and they intimate the same, as a rule of practice; further observing that Sessions Judges, in exercising this power, should use caution and discretion, and never subject

to commitment and trial, without good grounds, a person in such case released by the Magistrate.

M. SMITH,
Allahabad, 16th December, 1842. *Register.*

ABSTRACT.

Communicates rule of practice fixed by Nizamut Adawlut, North-Western Provinces, touching power of interference of Sessions Court with certain orders of Magistrate under Act XXXI. 1841.

(No. 1686.)

To the several Sessions Judges in the North-Western Provinces.

The Court transmit, for the information and guidance of the Criminal Authorities, copy of a Resolution recorded by the Nizamut Adawlut in Calcutta, and concurred in by them, regarding the extent to which the provisions of Act IV. 1840, are applicable.

M. SMITH,
Allahabad, 29th December, 1842. *Register.*

ABSTRACT.

Regarding the extent to which the provisions of Act IV. 1840, are applicable.

Resolution of the Presidency Court of Nizamut Adawlut, under date the 21st October, 1842.

Present:

R. H. Rattray, C. Tucker, and J. F. M. Reid, Esqrs.,
Judges.

It having been brought to the notice of the Court, that a Session Judge has overruled the proceedings of a Magistrate, in which he held the provisions of Act IV. 1840, to be applicable to a case involving disputes for the possession of land, between a landlord and putneedar; on the ground that, by the Rule laid down in Construction No. 579 of the 17th December, 1830, such cases could not be brought under Regulation XV. of 1824; and because he conceived the zemindar entitled to the privileges of an auction purchaser, and therefore entitled to oust the putneedar: they deem it proper, to record the following Resolution explanatory of their Construction of Act IV. of 1840, for the future guidance of the several Session Judges within their jurisdiction.

Resolution.—With reference to the very general terms of Act IV. of 1840, the Court are of opinion that its applicability cannot be confined within the narrow circle of Regulation XV. 1842, which has been repealed by the present law; by which it is evidently intended to empower the Magistrates to enquire into disputes relating to the possession of lands, of which, before the passing of that enactment, thay were not competent to take cognizance.

(Signed) J. HAWKINS,
Register.

(True Copy.)

M. SMITH,
Register.

(No. 132.)

To the Magistrates in the North-Western Provinces.

The Notifications of the escape of Convicts, publication of which was enjoined in Circular Order, No. 306, dated 4th, printed in the *Oordoo Gazette*, of 22d March, 1842, having been found to occupy more space than their importance seems to deserve, the Court, in modification of that Circular are pleased to direct that, in future, Magistrates will send for publication such notices only as concern escaped convicts for whose re-apprehension a reward may have been sanctioned of Rs. 100, or upwards.

M. SMITH,
Register.

ABSTRACT.

Modifies Circular Order, dated 4th March, 1842, touching notification of escape of prisoners.

(No. 144.)

To the several Criminal Authorities in the North-Western Provinces.

A recent circular, No. 1995, dated 17th October, and published in the *Urdu Gazette*, of 1st November last, having noticed to the Judicial Authorities that Act XXX. 1841, is the only law under which contempt of Court can now be punished, and "*prevarication*" not appearing to be correctly classable under the "obstructions to justice" rendered punishable by that enactment; it has accordingly been ruled by the Courts of Nizamut Adawlut at Calcutta and Allahabad, that Construction, No. 1177, must be held to be rescinded.

M. SMITH,
Allahabad, 3rd February, 1843. *Register.*

ABSTRACT.

Rescinds Printed Construction, No. 1177.

(No. 225.)

To the Magisterial Authorities in the North-Western Provinces.

The Court of Nizamut Adawlut, North-Western Provinces, having had under consideration returns to a Circular Order, No, 1281, dated 24th September last, calling for information touching the existence in the districts under their control of a plan of distinctive prison dress for convicts; intimate to Magistrates their having forwarded to them direct an abstract of those replies, shewing the extent to which a distinguishing convict-dress prevails in the North-Western Provinces;* and the Court call the attention of the Magistrates of those Zillahs in which no uniform dress is in use, to the desirableness of its introduction on a similar principle, at such time and in such manner as their discretion may point out.

* In 14 Districts.

M. SMITH,
Allahabad, 22nd February, 1843. *Register.*

ABSTRACT.

Communicates suggestion for general introduction of a distinctive prison-dress to be worn by Convicts.

(No. 418.)

To the several Criminal Authorities in the North-Western Provinces.

The Court are pleased to circulate copy of a letter, No. 45, of the 10th January last, from the Chemical Examiner, with a view to the adoption of the suggestions of that Officer in all practicable cases of the nature alluded to.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 4th April, 1843.

ABSTRACT.

Circulates copy of a letter from the Chemical Examiner, for adoption of suggestions therein contained.

(No. 45.)

H. V. Bayley, Esq., Deputy Secretary to Government General Department.

I have the honor to inform you, that in the execution of my duty of Chemical Examiner to Government, I have several times been put to much inconvenience by no report or detail of cases being forwarded with substances sent for examination and supposed to contain poisonous matters, when the quantity of material requiring to be analysed is small, and no intimation or clue to its nature afforded by the symptoms it may have produced: some portion is necessarily expended in determining the class of poisonous agents to which it may belong, before any particular experiments can be undertaken wih a view to establish its individual nature and composition; and in one or two cases the residue has been so minute, as to prevent my being able to give a positive opinion on the subject. In all cases, it is a matter of interest and importance, in a professional point of a view, to have detail of every case of poisoning to illustrate the Chemical examination, and afford such other evidence as may form an useful guide in future and doubtful cases of the same nature.

2. I have the honor therefore to request, that all Judges and Magistrates who may have cases requiring chemical examination, be directed to furnish every detail that can be obtained, both from the Civil Surgeon and those persons who may depose to the facts of a case, for the information and guidance of the Chemical Examiner. By this means much valuable information may be obtained, which may ultimately lead to a knowledge of the poisonous vegetable substances employed by natives for criminal purposes, very few of which can at present be detected by chemical analysis.

F. J. MOUAT, M. D.,
Chemical Examiner to Govt.

Medical College, 10*th January,* 1843.

(No. 502.)

To the several Magistrates and Joint Magistrates in the North-Western Provinces, Superintendent of Bhuttee territory, to the Commissioner of Kumaon, and the Deputy Commissioners in the Saugor territory.

The Court having had before them returns from the several Districts under their control to their Circular Order, No. 1589, dated 26th August last, enquiring the manner in which the Oordoo Gazettes published at Agra are distributed, and whether the number of copies furnished suffices for the offices of the Magisterial authorities and those of their subordinates—find, that some Magistrates have recommended the transmission of separate copies for use and record in the Thannahs within their jurisdiction, and nave requested to be supplied with a corresponding number of copies in addition to those which they have heretofore received.

2. The Court, considering the very rare occasions on which instructions relating to the conduct of a Thannadar's duties appear in the Gazette, are of opinion, that no benefit, commensurate with the increase of expence to Government, would result from the supply of separate copies to those functionaries; and are accordingly pleased to direct, in modification of the recommendation above referred to, that the Magistrates and other Criminal Authorities in the North Western Provinces shall, according to their own discretion and judgment, transmit extracts of such portions of each Gazette, as they may deem requisite for their information and guidance, to the Thannadars subordinate to them. Where the offices of Tuhseeldar and Police Darogah are in the same locality, the latter can obtain a perusal of the Gazettes supplied to the former, and may be directed to take extracts of those parts, which convey instructions regarding the conduct of the duties of his department.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 18*th April,* 1843.

ABSTRACT.

Thannadars to be furnished with extracts of such parts of the Oordoo Gazette, as may be deemed requisite, from the office of Magistrate; and where the offices of Tuhseeldar and Police Darogah are in the same locality, the latter to obtain a perusal of the Gazette supplied to the former.

(No. 530.)

To the several Criminal Authorities in the North-Western Provinces.

The Court having had under consideration, in reference to Act XXXI. of 1841, that a Magistrate's order, in cases of trespass or the like, may include the infliction of a fine of rupees 50, not appealable under Section 2, of that enactment, as well as an award of possession of the thing in dispute, which is appealable to the superior court, and desirous to correct the anomaly caused by one portion of an order being intangible, and another portion of the same proceeding being capable of reversal by the appellate authority, direct that, in such cases, distinct and separate orders be passed, that in which the Magistrate's decision is final being kept apart from any order appealable to the Session's Court.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 22*nd April,* 1843.

ABSTRACT.

Enjoins separate record of Magistrate's decision in cases where one transaction requires an order not appealable, and an order open to appeal to Sessions.

(No. 549.)

To the Sessions Judges, Magistrates and Joint-Magistrates in the North-Western Provinces, and to the Commissioner of Kumaon.

By the Circular letter of this Court, No. 353, dated 21st April, 1837, it was notified to the Commissioners of Circuit in the North Western Provinces, that the Hon'ble Court of Directors had been pleased to prohibit the unwarrantable practice of chaining prisoners in their cells during the night, and extracts of their despatches on the subject were communicated to the authorities named. Adverting, however, to an instance lately brought to light, the Court are led to doubt if the custom has been so entirely discontinued as was intended, and they are therefore pleased, under instructions to that effect from Government, to reiterate the prohibition above referred to, and to direct that Magistrates shall, on no pretext whatever, resort to the expedient of chaining prisoners in their cells, with a view to their safe custody. If in any district, the jail should be constructed on so defective and erroneous a principle as to preclude the possibility of preventing the escape of prisoners sentenced to long periods of imprisonment, without having recourse to this objectionable and cruel alternative, it will be the duty of the Magistrate to make an immediate report of the fact for the information of the Court, in order that measures may be adopted to remedy the evil, or to provide accommodation for such prisoners in another and more secure jail.

2. These orders are not intended to supersede Circular Order of the Nizamut Adawlut, No. 183, dated 30th April 1817, by which, the use of a chain, on certain occasions and with certain restrictions therein specified, is authorized; the safe custody of convicts employed on the roads, and confined in temporary mud or straw huts, demands the continuance of this practice; but it is incumbent on the Magistrates to enforce the strictest observance of all the precautions which are there enjoined, for the prevention of fire and the immediate removal of the convicts from their place of confinement, in the event of its occurrence, and to orginate any additional measures of similar nature and tendency which may seem advisable; any neglect, in this respect will be visited with the severe displeasure of the Court.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 26th April, 1843.

ABSTRACT.

Attention called to Circular Order, No. 353, dated 21st April, 1837, which prohibits the practice of chaining prisoners in their cells at nights; and adherence to Circular Order, No. 183, of 30th April 1817, with adoption of additional precautions of some tendency, as therein prescribed, enjoined.

(No. 550.)

To the Session Judges in the North Western Provinces, and the Saugor and Nerbudda Territory, and the Commissioner of Kumaon.

The Court are pleased to call the attention of the Session Judges to the enactments which prescribe or sanction a sentence of imprisonment for life in transportation beyond seas, on conviction of certain offences, and to direct, that, when in trials for those offences which may be referred for the orders of the Nizamut Adawlut, the Sessions Judge shall recommend a sentence of "imprisonment for life," he will invariably add the words "in transportation," or "in banishment," or "in the zillah jail," as his opinion may be, and when transportation is not recommended in a sentence of imprisonment for life, the Sessions Judge will in all instances specify his reasons for considering that transportation should not be awarded, in the letter which by Circular Orders he is required to forward with the proceedings.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 26th April, 1843.

ABSTRACT.

Prescribes a certain addition to sentence of "imprisonment for life," recommended by Sessions Judge in trials, referred for orders of Nizamut Adawlut.

(No. 554.)

To the several Criminal Authorities in the North-Western Provinces.

With the view of removing doubts, which appear to be entertained, on certain points connected with the preparation of the Criminal statements by the Magistrates, and of correcting certain errors, discovered in the printed Rules for the direction of Magistrates and their subordinates; the supplementary Clauses noted in the Margin* are circulated for the information and guidance of the Criminal Authorities, who are directed to append the present, to the Rules, before prescribed.

* Paragraphs 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, and 105, Copies of which are supplied direct.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 28th April, 1843.

ABSTRACT.

Transmits supplementary Rules for preparation of Magistrate's Criminal statements.

(No. 555.)

To the Criminal Authorities in the North-Western Provinces.

The Court are pleased, under instructions from Government, to direct that Magistrates, whenever an occasion, requiring their absence from the Sudder Station

for a period however short, may arise, will invariably make over temporary charge of the Jail and other Establishments, ordinarily retained under their own control, to their Joint Magistrate, or other subordinate, who may be present at the station, reporting the same for the information of the Court.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 28th April, 1843.

ABSTRACT.

Magistrates to make over temporary charge of Jail and other Establishments, under their control, to their Joint Magistrate or other subordinate, when required to be absent from the sudder station for a time however short.

(No. 669.)

To the several Magistrates and independent Joint Magistrates in the North-Western Provinces.

It having been suggested to the Court, that the general health of the prisoners confined in the several jails of the North Western Provinces would be greatly promoted, by placing at their disposal the means of habitual and daily bathing, the Magistrates are required to report, at their earliest convenience, whether any facilities for the sufficient supply of water, to be appropriated to this purpose, exist in the jails of their respective districts, and where such facilities may be wanting, to suggest, for the consideration of the Court, any arrangement fitted to secure to the prisoners the indulgence recommended, which may appear to them feasible and economical.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, 16th May, 1843.

ABSTRACT.

Magistrates requested to report whether any facilities exist in jails for supplying water for prisoners to bathe, and where such facilities are wanting, to suggest to the Nizamut Adawlut fitting arrangements to secure to the prisoners the indulgence.

(No. 793.)

To the several Magistrates and Officers in charge of Jails in the North-Western Provinces, including Saugor and Kumaon.

The Court having given their attention to the Returns made by the several Magistrates in the North-Western Provinces, to their Circular letter, No. 220, dated 22d February last, are pleased to prescribe the use of the annexed forms, in the preparation of statements designed to shew the casualties and sickness occurring among the convicts of out-lying gangs. The Native Doctors deputed in charge of prisoners, who

may be employed at a distance from the sudder station, should be required to submit these Returns with the strictest punctuality at the close of every month, and should be held responsible for their accuracy.*

* They should be sent to the Magistrate through the medium of the Civil Surgeon.

2d. It is not intended by the institution of these periodical statements to supersede the precautionary measures, which are found to be very generally practised throughout these provinces, of requiring the transmission of all convicts suffering under severe illness to the sudder hospital for medical treatment, and the *post mortem* examination by the Civil Surgeon of the bodies of those who may have deceased suddenly.

3d. It is obviously desirable, the Court observe, that the visitations of the Civil Surgeon to those localities, in the interior of the district, where convicts are employed, should be frequent and unanticipated by his subordinates, upon whom the simple apprehension even of his occasional presence would operate as a salutary check; and they are satisfied, that if the duty of those Officers in this respect be propefly represented to them by the Magistrates, they will not be reluctant to afford their valuable aid in repressing the malpractices, and correcting the falsified repors of the Native Doctors. The orders of Government, dated 21st April, 1837,* in granting travelling allowance to Civil Surgeons making such visits, have provided against any objections on the score of expense, and though by those instructions no injunction is conveyed, an expectation is *implied*, that those Officers will take advantage of leisure from other avocations, to supervise personally the medical treatment and give their attention to the preservation of the general health of out-lying gangs of prisoners.

* Circular addressed to the several Commissioners of Circuit by Government.

4th. Magistrates are requested to communicate the purport of this Circular to the Civil Surgeons attached to their respective stations.

G. F. EDMONSTONE.
Offg. Register.

Allahabad, the 6th June, 1843.

ABSTRACT.

Prescribes use of forms in the preparation of Statements of Casualties and sickness occurring among convicts of out-lying gangs.

Return of Casualties and sickness among the Prisoners located at ——— during the month of ———

Total No. of Convicts.	Name of Prisoner.	Nature of Sickness.	When admitted into Hospial.	When discharged from Hospital	When sent to Sudder Hospital.	Died.	Remaining.	Remarks.

ABSTRACT.

	Total treated during the month.	Total forwarded to Sudder Hospital.	Total Deaths.	Total of prisoners retained in local Hospital beyond the prescribed period of two days with cause of détention in each case.

G. F. EDMONSTONE,
Offg, Register.

(No. 1104.)

To the several Magistrates and Joint-Magistrates in the North-Western Provinces.

The Courts of Nizamut Adawlut for the Lower and North-Western Provinces have had before them the returns to their Circulars dated, for the Lower Provinces 18th June, 1841, and for the Western Provinces 23rd July, 1841. The Magistrates in in the Lower and North-Western Provinces having in general signified their unqualified approval of the forms of Registers as circulated, and having in some instances already introduced them, and the amendations which have been suggested by some functionaries, being mostly of a trifling and unimportant nature, the Presidency and Western Courts direct that the Registers be brought into use throughout all the Districts within their respective jurisdictions.

2nd. The remarks which were circulated with the forms of Registers are here repeated, for the information and guidance of Magistrates.

3rd. The objects sought for, are facility of reference to the records of cases, and ready information [as far as facts and circumstances may have been ascertained] in regard to persons charged with offences, who have eluded the pursuit of justice.

4th. For these purposes, two general registry books and six books of subordinate entry, should be kept up in every Magistrate's office.

1.—A general register of all applications preferred direct to the Magistrate.
2.—A general register of all reports received from the Police Darogahs.

The subordinate books are:

1.—A book of heinous offences.
2.—A book of petty offences.
3.—A book of appeals preferred from subordinate Courts.
4.—A book of reference or proceedings received from other Districts.
5.—A book of cases preferred under Act IV. of 1840.
6.—A book containing all miscellaneous matters.

5th. All criminal cases should be entered, in the first instance, in either of the general registry books and then transferred to one of the subordinate ones for trial and disposal, excepting, of course, the cases referred to the subordinate tribunals. When cases are finally decided, they should be sent to the Record Keeper, who should keep a general register, in which he should enter all cases thus received, giving the number of the case and nature of it, the names of the parties, the crime, the thanah, the month and year of the occurrence, and an abstract of the final order, with a column in which he should note in what part of the office he has placed the papers. As long as this plan is followed, no difficulty can occur in tracing out a case. If, for instance, a Magistrate wishes to know what has become of a petition presented by A. on the 1st March, 1840, he refers first of all to the general register of applications, and he there finds it was either tried by himself as a petty offence, and entered in his book of petty offences decided on such a day, and sent to the Record office, or else he will find that it was referred to the Principal Sudder Ameen, and disposed of by that officer. In like manner heinous offences will be traced from the general report book to the heinous offence book, and from thence to the Record office or a subordinate Court.

6th. As regards furarees, or persons who have eluded the pursuit of justice, the forms prescribed by Regulation III. of 1812, if properly kept up, contain almost all the information that is requisite, the addition of a single column [which the Magistrates are required to effect] will make them quite complete. The additional column

should state the number of the case, the year in which it was preferred, and in what part of the Record office the record is to be found.

7th. These several forms, viz. two general registry books, six books of pending business, one of business disposed of, and the registers prescribed by Regulation III. of 1812, amended as above directed, if properly kept up, would give every information. They are simple and easy of comprehension, and involve no additional trouble and expense.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 16*th August*, 1843.

ABSTRACT.

Prescribes the use in the Magistrate's Courts of the forms of Registers circulated with letters of date 18th June, 1841, Calcutta Court,—and 23rd July 1841, Western Court.

A.

General Register of all applications preferred direct to the Magistrate of Zillah ——— commencing on the 1*st January*, 1841, *and ending* 31*st December*, 1841.

No. of this Register.	Name of the Applicant.	Date.	Substance of Charge.	Order.
1	Ram Doss. ..	1st January.	Assault.	Referred to the Sudder Ameen.
2	Sheik Coochil.	Ditto. ..	Wounding with a sword.	Take deposition—and sent to "Heinous Offence" book-keeper.
3	Imam Deen. ..	2d January...	Stopping up a road. ..	Refer to Darogah for report, and sent to "Miscellaneous Cases" book-keeper.
4	Ramdhun.	Ditto. ..	Assault.	Referred to Principal Sudder Ameen.

B.

General Register of all reports received from the Police Darogahs of Zillah ——— commencing on the 1*st January*, 1841, *and ending* ———.

No. of this Register.	Name of Thannah.	Date of Receipt.	Substance of Report.	Order.
1	Kutwah. ..	1st January.	Reporting a case of murder in village of Dhugaram.	Sent to "Heinous Offence" book-keeper. Darogah ordered to submit result of inquiries without delay.
2	Banpore. ..	Ditto.	Reporting all well.	Filed in the office.
3	Bilsah. ..	Ditto.	Sending a case of cattle stealing.	Referred to Joint Magistrate.
4	Hooghly...	Ditto.	Reporting a burglary in the house of Ramdhun.	Ordered to inquire into the case. Report sent to "Heinous Offence" book-keeper.

C.

Record keeper's Register.

1	2	3	4	5	6	7	8
No. of Case.	Nature of Case, that is, Heinous, Petty, or under what head.	Names of parties.	The crime or offence charged.	Thannah.	Month and year.	Final orders.	Record Keeper's remarks.
No. 1.	Heinous offence.						Placed in rack No. 1, bustah No. 4.

No. 1.

Book of Heinous Offences prescribed by Circular Order, 12th April, 1811.

No. of this Register.	Name of Prosecutor.	Name of party accused.	Abstract of Charge.	Date of Filing.	Parties on bail or in jail.	Abstract of Order passed.	Final Order.
1	Sheik Coochil.	Ryamooddeen. Mynooddeen.	Wounding with a sword.	1st Jan.	...	Warrant issued.	
2	Rammohun.	.....	Murder of Coochil	1st Jan.	...	Directing inquiry.	
3	Ramdhun.	.....	Burglary.	1st Jan.	..	Ditto to report.	

No. 2.

Petty Offence Book prescribed by Circular Order, 12th April, 1811.

No. of Register.	Name of Prosecutor.	Names of parties accused.	Substance of Charge.	Date.	Abstract of orders passed.	Final Order.
1	Ulee Buksh.	Hurmohun Dwarknauth	Assault.	2d January.	Summons.	
2	Kishun.	Ramshaee Toolsee.	Assault.	3d January.	Summons.	

No. 3.

Book of Appeals.

No.	Names of Appellant.	Date of filing Appeal.	From whose orders Appeal preferred.	Abstract of orders passed.	Final Order.

No. 4.

Book of References from other Districts.

No.	Name of District.	Date of receipt of reference.	Substance of reference.	Substance of orders passed.	Final Order passed.

No. 5.

Book of Cases preferred under Act IV. of 1840.

No.	Name of Prosecutor.	Name of Defendant.	Date of filing petition or of report.	Substance of charge.	Substance of Order.	Final Order.

No. 6.

Miscellaneous Matters.

No.	Names of Parties.	Date of Filing.	Substance of matter.	Substance of Orders.	Final Orders.

Register of Persons charged with, or suspected of, the commission of Specific crimes of a Heinous nature, who may have eluded the pursuit of Justice.

Name and caste of the person accused, or suspected.	Name of the Father.	Supposed age.	Description of his person.	Supposed usual place of residence.	Amount of reward offered for his apprehension.	Date of apprehension, surrender, or ascertained death.	No. of case, the year in which it was preferred, and in what part of Record Office to be found.

G. F. EDMONSTONE,
Offg. Register.

No. 1297.

To the several Criminal Authorities in the North Western Provinces.

To remove doubts which may exist, the Court are pleased to direct, that when a wounded individual is sent by the Magistrate for examination as to the nature and extent of his or her wounds, it shall rest with the Surgeon to decide whether such person shall be placed in the hospital for treatment, or not—and that the Surgeon's order on the point shall be conclusive.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 30th August, 1843.

ABSTRACT.

Directing that, on transmission by Magistrate of wounded persons for examination, the decision of Surgeon as to placing him in hospital or not to be conclusive.

CONSTRUCTIONS

OF THE

SUDDER DEWANNY AND NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

The following Constructions of Regulations by the Courts of Sudder Dewanny and Nizamut Adawlut, during the year 1841, *are published for the information and guidance of the Courts of Justice.*

(No. 1290.)

1825. Regulation IV. 1828. Regulation VIII.

The following question was submitted by the Session Judge of Hooghly :—"A case has been before me in which the Magistrate sentenced an individual to one year's imprisonment and to a fine of 50 Rs. or two months in default of payment; and further called upon the party to give security to keep the peace in the amount of 100 Rupees for one year, or to be imprisoned for that period in default of furnishing it. This would extend the Magistrate's Jurisdiction beyond two years, and appears to me an infringement of the provisions of Regulation VIII. 1828," may I beg the favor of the Court's opinion on the point.

It was held that Regulation VIII. 1828, does not in any way interfere with the power vested in Magistrates by Regulation IV. 1825. Under this construction a Magistrate is competent to punish to the full extent of the power conveyed by the former enactments, and in addition to such sentence to require the prisoner to furnish security or be imprisoned for a year in default; the whole term of imprisonment not exceeding three years if the demand for security be not complied with.

Calcutta Court 8th Jan. 1841.
Western Court 8th Feb. 1841.

(No. 1291.)

A Civil Court is not competent to entertain an action to contest the award of a Military Court of Requests.

A. and B. have dealings within a Military cantonment, but are not residents therein. A. sues B. in the Military Court of Requests and obtains a decree, B. demurring to the jurisdiction, the award is enforced and B. sues in the Civil Court for the recovery of the sum paid under the award.

Western Court 13th Feb., 1841.
Calcutta Court 19th March, 1841.

Held that a Suit of the nature mentioned cannot legally be entertained by a Civil Court.

(No. 1292.)

1793.
Regulation XVI. Sec. 2.
1803.
Regulation XXI. Section 2.
Calcutta Court 26th March, 1841.
Western Court 10th April, 1841.

Held that under the provisions of Section 2, Regulation XVI., 1793, Principal Sudder Ameens are competent, with consent of parties to refer suits to arbitration.

N. B. The question having reference only to Principal Sudder Ameens, the reply was restricted to that class of Judges.

(No. 1293.)

1831.
Regulation V. Section 6.
Clause 4.
Western Court 30th April, 1841.
Calcutta Court 30th July, 1841.

The written notification prescribed, by Clause 4, Section 6, Regulation V. 1831, should precede the usual notice to defendant. Claimants coming forward in obedience to such proclamations are liable to bear a proportion of costs.

(No. 1294.)

1831.
Regulation V. Section 19.
Clause 2.
Calcutta Court 14th May, 1841.
Western Court 28th idem, 1841.

Held that the order of a Zillah Judge dissenting from a Principal Sudder Ameen, as to the propriety of a review of the latter's judgment on a reference made under Clause 2, Section 19, Regulation V. 1831, is final, and not open to revision on appeal to the Sudder Dewanny Adawlut.

(No. 1295.)

Rules regarding the imposition of fines by Moonsiffs on their Ministerial Officers.
Calcutta Court 21st May, 1841.
Western Court 18th June, 1841.

Held that a Moonsiff imposing a fine on any of his Ministerial Officers cannot proceed to levy it, without previously obtaining the Judge's sanction, and by analogy cannot remit it without the permission of the same authority, but that if the orders have not been recorded and signed by the Moonsiff the fine may be remitted by him without any such reference.

(No. 1296.)

1837.
Act XVII.
Sections 33 and 35.
Western Court 21st May, 1841.
Calcutta Court 18th June, 1841.

Held on a reference from the Session Judge of Azimgurh that Sections 33 and 35, Act XVII. 1837, are not applicable to European British subjects resident in the Mofussil, as those persons have not by any act of the legislature, been made amenable to the local authorities in the administration of the penal enactments of the Government of India.

(No. 1297.)

1833.
Regulation XII. Section 2.
Clause 6.
Calcutta Court 28th May, 1841.
Western Court 18th June, 1841.

On a reference from the Judge of Jessore, as to whether the provisions of Clause 6, Section 2, Regulation XII. 1833, extended to pauper suits, it was held that the rule was applicable to all suits in which private engagements exist between parties and pleaders.

(No. 1298.)

No private engagement can absolve a Landholder from the performance of such acts as by law he is bound to perform.

It was held on the following reference from the Magistrate of Tirhoot, that no private engagement between a Landholder and another person can release the former from the due performance of such acts as he is bound by the Regulations of Government to perform.

Para: 2. "The Court are aware that a great portion of the land in this district is leased to Indigo Planters, who are with few exceptions British born subjects. In the Pottahs and Kubooleuts containing the terms of these leases, there is invariably a clause inserted to the effect, that the Theekadar or Lessee shall be responsible for the due performance of all those duties and obligations connected with the Police, which by the Regulations are imposed upon the Landholder. Now this engagement so far as the Indigo Planter is concerned is a mere mockery, in as much as there exists no law under which I can punish a British born subject for a breach of the Regulations referred to. The question therefore arises whether an agreement of this sort is in any way binding upon the Magistrate? Whether the unauthorized substitution by the Landholder of a deputy who is not amenable to particular laws can be held to relieve the Landholder from the responsibility which those laws impose upon him? it seems clear to me that it cannot, and that in such a case the Magistrate must continue to look to the Landholder as the responsible party. I should be glad, however, to have the Court's opinion upon the subject."

Calcutta Court 28th May 1841.
Western Court 22nd June 1841.

(No. 1299.)

Mode of proceeding in the case of a decree founded on a collusive action, instituted with a view to evade execution of a just decree.

The Judge of west Burdwan having asked the opinion of the Sudder Dewanny Adawlut in regard to the course to be pursued under the circumstances stated in the following extract from his reference,

Para: 2. "It appeared from the enquiry held by me in consequence of a petition presented to me by Dahooram Shaha, that on the 6th June, 1840, he instituted a suit in the Moonsiff's Court at Soonamookhy against Gunness Gurrain for Rupees 196 0 0 and that the latter, with a view to evade the execution of any decree that might be passed against him, got a relation of his own named Gopal Gurrain, to file a fictitious suit against him before the Moonsiff of Burjorah on the 5th of the same month, in which on the 8th Idem he put in a collusive "Iqbal dawee" admitting the fictitious claim and pledging the *whole* of his property in satisfaction of it, on the strength of which a decree was passed on the same day in his favor."

Was informed, that under the circumstances stated the aggrieved decree-holder should be referred to a regular suit against the colluding parties, for all damages that he may have sustained by their fraudulent proceedings, pending the issue of which the whole of the property in question might be attached, and the interest of the decree-holder protected.

Calcutta Court 4th June 1841.
Western Court 25th Idem 1841.

(No. 1300.)

1831.
Regulation V. Section 6.
Clause 4.
Calcutta Court 18th June 1841.
Western Court 9th July 1841.

The inquiry to be made by the Moonsiff under the provisions of Clause 4, Section 6, Regulation V. 1831, is to be limited to the rights of Claimants in the property actually sued for, and cannot extend to the entire Estate of the deceased.

(No. 1301.)

1829.
Regulation X.
Schedule B. Article 8.

A. having obtained a decree points out certain lands for sale in satisfaction thereof, the property as he alleges of the defendant—B. a claimant, however, interposes his claim, which is allowed, and the sale stopped, when A. is recommended, if he has still any claim, to file a regular suit. He accordingly brings a suit to obtain the sale of certain lands in realization of his decree. The question arises how is A. to estimate the value of his suit, according to the note on Article 8, Schedule B. Regulation X. of 1829?

It was held that as the suit in question was brought, not for possession, but to obtain leave to sell the interests of the original defendant in the Estate, and to appropriate the proceeds of sale in liquidation of A.'s claim; or in other words, as the suit was for the amount that the Estate would sell for, the value should have been computed at the estimated selling price, (or the amount of Plaintiff's claim under the decree, supposing the selling price to have been in excess of that claim) according to the 4th Clause of the note on Article 8, Schedule B. Regulation X. 1829, the suit being viewed rather as for an interest in Malgoozaree land, not capable of valuation under the 1st Clause of the note.

Western Court 25th June 1841.
Calcutta Court 16th July 1841.

(No. 1302.)

1834.
Regulation II. Section 6.
Western Court 2nd July 1841.
Calcutta Court 30th Idem 1841.

Held that it is not competent to a Session Judge to award stripes under Section 6, Regulation II., 1834, the law not contemplating such award by any other authority than the Magistrate, the Officer directly responsible for the maintenance of the discipline of the Jail.

(No. 1303.)

1831.
Regulation VIII. Section 6.
Calcutta Court 16th July 1841.
Western Court 6th Aug. 1841.

The provisions of Section 6, Regulation VIII. 1831, are held to be applicable to the summary decrees of the Judicial authorities passed prior to the enactment of that law; that is, all regular suits to contest the summary awards of the Judicial authorities should have been instituted within one year of the promulgation of that Regulation.

(No. 1304.)

1831.
Regulation V. Section 5. Clause 2.
Calcutta Court 16th July 1841.
Western Court 13th Aug. 1841.

Held that an *undefended* suit for an instalment below 300 Rupees, on a bond for an aggregate sum above that amount is cognizable by the Moonsiff.

The same principle is applicable to an *undefended* action for an arrear of rent below 300 Rupees due on a farming engagement or lease of higher value.

(No. 1305.)

1819.
Regulation VI. Section 6. Clause 1.

A contravention of the rule laid down in Clause 1, Section 6, Regulation VI. 1819, by parties, contrary to order plying their boats in the vicinity of a Government Ferry,

Calcutta Court 16th July 1841.
Western Court 20th Aug. 1841.

held to be a misdemeanor punishable by the Magistrate under the general powers vested in him by the provisions of Section 19, Regulation IX. 1807.

(No. 1306.)

1829.
Regulation X. Schedule A. Clause 2.

Western Court 20th July 1841.
Calcutta Court 20th Aug. 1841.

A memorandum of agreement for the time of the services of a Mokhtar, specifying a fixed sum as his monthly stipend in money, and guaranteeing to him his daily food must be written on a stamp under the rule in Clause 2, Schedule A. Regulation X. 1829.

(No. 1307.)

1817.
Regulation XX. Sec. 10. Clause 5.

Calcutta Court 30th July 1841.
Western Court 20th Aug. 1841.

Held on a reference from the Session Judge of Jessore, that appeals from the orders of a Magistrate enforcing penalties under Clause 5, Section 10, Regulation XX. 1817, lie to the Session Judge, and not to the Superintendent of Police.

(No. 1308.)

1814.
Regulation XXIII. Section 25. Clause 3.

A. prosecutes B. in the Moonsiff's Court for possession of real property in virtue of a deed of sale. *After* the suit is instituted but *before* its decision, the rights and interests of B. in the said property, are sold by the Collector to C. in satisfaction of a decree of Court.

Has the Moonsiff authority to receive an amended plea including C. amongst the Defendants; or can the Judge give him such authority.

It was held that the application by the Plaintiff to include C. as a Defendant in his action, under the circumstances stated is not of the nature of a supplemental plaint (which the Moonsiff is not competent to receive) contemplated by the Regulations, which provide a remedy for enabling parties to supply omissions arising from mistake, inadvertence or other cause (Section 5, Regulation IV. 1793). The case submitted does not embrace either the rectification of any error, or the supplying of any omission, but involves the competency or otherwise of a Plaintiff to make application to the Court with a view to meet circumstances arising subsequently to the institution of the suit over which the Plaintiff had no control whatever. It was ruled accordingly that the Moonsiff is competent to receive an application from the plaintiff to include C. in his action, and to proceed with it accordingly.

Western Court 28th Aug. 1841.
Calcutta Court 17th Sept. 1841.

(No. 1309.)

1833.
Regulation XII. Section 2. Clause 5.
Western Court 15th Sept. 1841.
Calcutta Court 22nd Oct. 1841.

Held that the provisions of Clause 5, Section 2, Regulation XII. 1833, are applicable to pauper as well as to other cases.

(No. 1310.)

1823.
Regulation VI.
Section 5.
Clause 4.

A question having been referred by the Judge of Allahabad, whether it was intended by Clause 4, Section 5, Regulation VI. of 1823, to be ruled that the highest amount of penalty including interest on the sum advanced awardable against a contractor, is not to exceed three times the sum advanced; or whether the penalty may be to the amount of three times the sum advanced and of any interest that may have accrued upon that sum at the time of the suit being decided?

Western Court 24th Sept. 1841.
Calcutta Court 22nd Oct. 1841.

It was held that the meaning of the enactment is that interest is included in the "three times the sum advanced"

(No. 1311.)

The Civil Courts cannot interfere with the Estate of a lunatic, consisting only of personal property.
Western Court 15th October 1841.
Calcutta Court 5th November 1841.

The Estate of a lunatic being restricted to personal property, there is no law which authorises the intervention of the Civil Courts.

(No. 1312.)

1812.
Regulation V. Sections 7-10.
1822.
Regulation XI. Sections 32 and 33.
1840.
Act IV. Section 4.

The Magistrate of Nuddea was of opinion, with reference to Sections 7-10, Regulation V. 1812, and Sections 32, and 33, Regulation XI. 1822, that the auction purchaser of an Estate could not cancel putnee Talooks, created by the former proprietor, by merely attaching them, without having previously established his right to do so in a Court of Justice; and adverting to Act IV. 1840, he saw no resource but to refer the auction purchaser to the "usual legal mode of obtaining possession."

Held that where, in a suit instituted under Act IV. 1840, an auction purchaser of an Estate pleads that he is exercising his legal right, it will be the duty of the Magistrate, under Section 10 of that enactment, to satisfy himself whether the contested tenure is of that description, which is protected by law; and that, in cases in which the tenure is not of that description, the purchaser is not obliged to apply to any Court for the enforcement of his rights.

Calcutta Court 22d Oct. 1841.
Western Court 26th Nov. 1841.

(No. 1313.)

1814.
Regulation XXVIII.

Case of a plaintiff having instituted his action originally on stamp paper, but pleading pauperism when required to file a supplementary plaint to amend his original plaint.

A. sues B., having paid the stamp duty and his Vakeel's fees; pending the trial, B. takes out execution of a decree, and sells A.'s landed property. After decision of the suit, A. appeals to the Sudder Dewanny Adawlut, and the case is remanded for re-trial to amend the plaint, (in consequence of which amendment a higher stamp would be required and the amount of Vakeel's fees, &c. considerably enhanced). A.'s property having been sold in satisfaction of the Defendant's decree, A. pleads that he is a pauper, and therefore, unable to pay for the additional stamp required to fulfil the orders of the Court. The Principal Sudder Ameen, holding that a party cannot be admitted a pauper in the middle of the suit, not having been one at the

commencement, strikes the case off the file on default. A summary appeal is preferred to the Sudder Dewanny Adawlut, and the question is, whether A. should have been allowed to carry on his suit as a pauper, after due enquiry made on that point, or should have been nonsuited and allowed to institute a suit denovo for the whole claim.

It was held that, when a Plaintiff, on the plea of pauperism, urges his inability to comply with the permission of the Court to file an amended plaint, his pauperism should be inquired into, and if established, his prayer granted ; and that supposing the suit to be pending before the Principal Sudder Ameen or Sudder Ameen, and Plaintiff to plead inability to give the amended plaint, the Court before which the suit is, should allow him time to present a petition to the Judge setting forth his pauperism, with a Schedule of his property, when the Judge would refer it to the Principal Sudder Ameen, or investigate it himself.

Western Court 3d Decr. 1841.
Calcutta Court 31st Idem 1841.

M. SMITH,
Register.

(No. 1314.)

1839.
Act IX.

The following questions having been submitted to the Court:

"Under the provisions of Act IX., 1839, and Construction 1250, can a defendant (not being a pauper) appeal on plain paper against a decision passed in favor of a pauper Plaintiff by the Lower Court?"

"Also, is such defendant to be allowed to take a copy of the Lower Court's decree on plain paper, for the purpose of presenting it with his petition of appeal?"

It was ruled :

1st. That a decision passed in favor of a pauper Plaintiff by the Lower Court cannot be appealed against by the defendant (not a pauper) on plain paper.

2nd. That the appealing defendant may be allowed a copy of the Lower Court's decree on plain paper for presentation with his petition of appeal.

Calcutta Court 10th Decr. 1841.
Western Court 10th Jany. 1842.

(No. 1315.)

1841.
Act. XXIX. Section 1.

In cases in which the petition of appeal is filed in the Sudder Dewanny Adawlut, the date of institution of the appeal must of course be calculated from the day of filing the petition. In cases, however, in which the petition of appeal is presented to the Court of original jurisdiction, the date of institution must be calculated under Section 3, Regulation XII. 1797, from the date of the filing of the petition of appeal in the Sudder Court, that is, from the date of the petition reaching the Court. From the date of institution in either case, as above stated, the appellant must, under the provisions of Section 1, Act XXIX. 1841, proceed within six weeks. The question arises what is "*proceeding with a case?*"

Ruled, that the appellant must be held to have defaulted, and be liable to dismissal of his appeal unless he appears in person or by Vakeel, and file his reasons of appeal within the term (6 Weeks) allowed, and that the mere appointment of a Vakeel could not suffice to bar the liability referred to.

Calcutta Court 31st Decr. 1841.
Western Court 7th Jany. 1842.

(No. 1316.)

1841.
Act XX.

The following questions having been submitted by the Judge of Dehlie:—

1st. Whether the petition for a certificate under Act XX., of 1841, should be on stampt paper, and of what value?

2nd. Whether the petition for a certificate may be written either in the English or Oordoo language?

3rd. Whether the certificate should be issued on stampt paper?

It was held:

1st. That under Section 2, of the Act, petitions for certificates are required to be presented to the Judge of the Zillah or district Court, and ought consequently to be engrossed on a stamp of the value prescribed in the 7th Article of Schedule B. Regulation X. 1829.

2nd. That the petition should be couched in the Official language prescribed by the Legislature, that is the vernacular, that objectors, who in the majority of cases will be those who are best acquainted with that language, may know the nature of the appellant's claim in order to answer it. Parties, however, may, if they please, accompany such petition with an English translation.

3rd. That neither in Act XX. 1841, nor in any other law, is it provided, directly or constructively, that certificates of representation shall be written on stamp; they should, therefore, be granted on plain paper.

Western Court 14th January.
Calcutta Court 11th January, 1842.

(No. 1317.)

1793.
Regulation IV Section 6.
1803.
Regulation III. Section 6.

On a reference from the Judge of Ghazeepore, as to the proper course to be pursued in the event of a defendant absenting himself, after having filed an answer to a plaint in an original suit:

It was held that, under the rule of Section 6, Regulation IV. 1793, and Section 6, Regulation III. 1803, the proper course would be to affix in the Court House a notice of 8 days, as therein directed, and in the event of the defendant not appearing within that time, to decide the case ex-parte.

Western Court, 18th Jany.
Calcutta Court, 11th Feby.
1842.

(No. 1318.)

1841.
Act XXXI.
Western Court 28th January.
Calcutta Court 11th Feby. 1842.

Held that all criminal appeals pending at the date of the promulgation of Act XXXI. 1841, must be disposed of with reference to the provisions of that Act.

(No. 1319.)

1841.
Act XIX.
Section 3.
Calcutta Court, 11th February.
Western Court, 4th March, 1842.

Held, with reference to the provisions of Section 3, Act XIX. 1841, that the complainant must appear in person to make the solemn declaration thereby required, and that such declaration cannot be made through an authorized agent.

(No. 1320.)

1793.
Regulation XVI. Section 2.
1803.
Regulation XXI. Section 2.
Calcutta Court, 11th February.
Western Court, 4th March, 1842.

Held, that under the provisions of Section 2, Regulation XVI. 1793, Sudder Ameens and Moonsiffs are competent, with consent of parties, to refer suits to arbitration.

(No. 1321.)

1814.
Regulation XXIII.
Section 27, Clause 1.
1841.
Act XXIX.

On a reference from the Judge of Moradabad, whether Act XXIX. of 1841, is to be considered as superseding the rule of procedure laid down for Moonsiffs, in cases of default of Plaintiffs, in Clause 1, Section 27, Regulation XXIII. of 1814, and whether it is therefore incumbent on Moonsiffs, to wait until the expiration of six weeks before dismissing suits for default.

Western Court, 18th Feby.
Calcutta Court, 8th April, 1842.

It was held, that Act XXIX. of 1841, does not repeal any Clause or Regulation allowing a Moonsiff to dismiss a case after a prescribed and notified time, on default of Plaintiff within the period of six weeks, but only provides for the disposal of suits by dismissal which, under the rule heretofore in force, have been wont to remain longer than that term.

(No. 1322.)

1841.
Act XXXI.
Western Court, 18th March.
Calcutta Court, 1st April, 1842.

Held on a reference from the Sessions Judge of Azimgurh that the words "sentence or order" in Act XXXI. 1841, do not refer to interlocutory orders in cases under trial, and that the provisions of the Act do not preclude the interference of the higher, with such intermediate orders of the lower Courts.

(No. 1323.)

Rule for calculating the period of appeal from orders of Moonsiffs in Miscellaneous cases.

Held, on a reference from the Judge of Allahabad, that the period allowed for appealing from the orders of Moonsiffs in miscellaneous cases, (copies of which orders are to be granted on plain paper), should be calculated from the date of the order appealed from, deducting the interval that may elapse between the date of the copy being applied for, and its being ready for delivery.

Western Court, 26th March.
Calcutta Court, 8th April, 1842.

N. B. The Moonsiffs should always note on the copy the date of application for the copy, and that of its being ready for delivery.

(No. 1324.)

1817.
Regulation XVII. Section 8, Clause 5.
Western Court, 21st March.
Calcutta Court, 26th April, 1842.

Held, on a reference from the Sessions Judge of Agra, that, the provisions of Clause 5, Section 8, Regulation XVII. 1817, are not applicable to cases of "administering intoxicating drugs and theft."

(No. 1325.)

1835. Act XI.

On a reference from the Session Judge of Behar, "whether it is imperative upon a Magistrate under the provisions of Act XI. of 1835, to sentence any person convicted of a breach of that law, to imprisonment in addition to fine? and whether, in the event of a fine imposed under the above Act not being paid, the party mulcted is to be imprisoned for a further term in lieu of the fine, and for what period?"

A reply in the affirmative was given to the first question, and in answer to the second, the Session Judge was referred to Act II. of 1839.

Calcutta Court, 11th February; Western Court, 11th March, 1842.

(No. 1326.)

1841. Act XXXI.

Held on a reference from the Session Judge of Moradabad, that all appeals from a Joint-Magistrate of whatever powers are appealable, under Act XXXI. of 1841, exclusively to the Session Judge, and that Construction 858, is consequently, no longer in force.

Western Court, 12th February; Calcutta Court, 26th March, 1842.

(No. 1327.)

1841. Act XXIX. Section 2.

The Judge of Moradabad having inquired, whether with reference to the comprehensiveness of the wording of the provision contained in Section 2, Act XXIX. 1841, viz. "In all cases in which a suit or appeal is dismissed," costs are required to be awarded to respondents, who shall have made answer and appointed a Vakeel, without having been first summoned to defend an appeal, when such appeal may be dismissed under the Act in question, it was held, that the contingency of the opposite party appearing without being summoned did not appear to be comprehended in the rule adverted to by the Judge, inasmuch as till the said party be called on to "respond," he cannot in the strict meaning of the word be termed a "respondent." The Judge was further referred to Construction 675, in which the designation is accordingly restricted to "opposite party."

Western Court, 18th February; Calcutta Court, 4th March, 1842.

(No. 1328.)

1814. Regulation XXV. Section 15. 1816. Regulation XVII. Section 7, Clause 8.

Held on a reference from the Session Judge of Patna, that in cases before the Session Court as trials, the Session Judge is competent, under Section 15, Regulation XXV. 1814, and Clause 8, Section 7, Regulation XVII. 1816, to order the dismissal of Police Officers convicted of any offence which may appear to require their removal from public office.

Calcutta Court, 1st March; Western Court, 15th April, 1842.

(No. 1329.)

1819. Regulation VII. Sections 5 and 6.

The following queries were submitted by the Magistrate of the 24 Pergunnahs, to which the replies in juxta-position were given.

Question 1. Can Workmen, such as Mysteries, Moochees, or other artizans, be brought within the meaning of the enactment quoted, supposing that they have taken advances from their employers and agreed to work for the same without any stipulation as to the precise term or specification of the job that they are to perform?

Answer 1. There must be a stipulated term of service, or a contract for the performance of a specific work to render Section 5, Regulation VII. 1819, applicable to the cases alluded to.

Question 2. By what Magistrate are cases under the above-mentioned provisions cognizable, the Magistrate of the district wherein the agreement was entered into, or the work was to be performed, or that of the district wherein the delinquents reside, or to which they may decamp?

Answer 2. Such cases may be prosecuted either in the district in which the agreement was executed, or in that in which the defendant resides.

Calcutta Court, 18th March; Western Court, 27th May, 1842.

(No. 1330.)

1841. Act XXXI.

The following questions relative to the law of appeal in criminal cases, under Act XXXI. of 1841, referred by the Session Judge of Tirhoot, were both answered in the negative.

1st. Supposing a party to appeal, the amount of whose punishment clearly gives him that right, can the Session Judge interfere with another sentence in the same case which falls within the *limitation, prescribed by Sections* 8 *and* 9, *Regulation IX.* 1793?

2nd. Supposing the party having an undoubted right to appeal, to fail or neglect to do so, can another party in the same case, whose punishment falls within the limitations specified, be permitted to appeal?

Calcutta Court, 26th March; Western Court, 20th May, 1842.

(No. 1331.)

1829. Regulation X.

The Judge of Dacca having directed the return of a document written on plain paper in order to have a stamp affixed, which the revenue authorities were of opinion did not require a stamp; it was held, on a reference from the former Officer, that as the law vests the revenue local authorities and the Board of Customs, Salt and Opium, with the power of determining points of the kind mooted, a deed declared by such authority exempt from stamp duty must be received by the Courts.

Calcutta Court, 1st April; Western Court, 15th Idem, 1842.

(No. 1332.)

1841. Act XXXI.

Held on a reference from the Session Judge of Sylhet that appeals under Act XXXI. of 1841, are not admissible unless preferred within one month from the date of sentence or order, and that in this respect the law leaves no discretion to the appellate authority.

Calcutta Court, 1st April; Western Court, 28th Idem, 1842.

(No. 1333.)

1840. Act IV.

The following letter involving a reference as to the proper construction of Act IV. of 1840, in regard to certain cases of dispossession was addressed by the Officiating Magistrate of Budaon to the Session Judge of Bareilly, and by him forwarded to the Nizamut Adawlut for the Western Provinces.

I have the honor to forward for your inspection some cases* of dispossession under Act IV. of 1840.

* 1—Plaintiffs Thansing and another, versus Harkaru Sing.
2—Plaintiffs Motee and others, versus Poorun Purkar Sing.
3—Plaintiffs Ranee Sukhawud, versus Dowlut Sing.
4—Plaintiffs Motee and others, versus Poorun Purkar Sing.

All these cases you will observe are disputes between Zemindars and Kutkenadars, not for the possession of defined portions of land, but for the right of management and collection of rents of Estates. Having great doubts whether the Act was intended to apply to such cases, I have to request your opinion on the subject.

I also forward three cases* of a like description decided by my predecessor, in which possession has been awarded to the Kutkenadars, on the ground of their previous possession, without any reference to the Zemindars' plea of their rights as land-holders.

* 1—Plaintiff Permanund, versus Gungaram and others.
2—Plaintiff Bukhshoolla and others, versus Kumalooddeen.
3—Plaintiffs Sudasookh Lal, versus Chowdree Ubdool Ulee.

It occurs to me that if these cases came under the description of those contemplated by the enactment, they should have been governed by Section 10 of the Act, and, instead of the Zemindars being dispossessed, they should have been retained in the management of their estates, and the party desirous of ousting them from their undoubted privileges referred to the Court for a title to do so. As the case stands the land-holders who possess the right of attachment and ejectment, have been referred to the Court for authority to exercise a power which in virtue of their position they already possess. This surely could not have been the intention of the Act, which, if I understand its meaning correctly, leaves still, as heretofore, all points involving the question, whether the land-holder has justly exercised his power, to be decided under the Regulations, which grant him, under certain restrictions, the power of distraint and ejectment.

(Signed) R. B. MORGAN.

Held, that the view taken in the above letter, in regard to the Magistrate not possessing jurisdiction in cases of the nature mentioned, was correct.

Western Court, 15th April; Calcutta Court, 27th May, 1842.

M. SMITH,
Register.

(No. 1334.)

1841. Act XXIX.

With advertence to that part of Act XXIX. of 1841, which makes the institution of a new appeal, after dismissal on default under section 1, conditional on the party not being precluded by "lapse of time and period of appeal." It was held on a reference from the Judge of Furuckabad, that the law being general, refers to all appeals; and that, consequently, if an appellant to the Zillah Judge default under Act XXIX. 1841, and his case is, in accordance with its provisions struck off, his appeal is lost.

Western Court, 15th April; Calcutta Court, 27th May, 1842.

(No. 1335.)

1816.
Regulation XV.

Held on a reference from the Judge of Moradabad, that the provisions of Regulation XV. 1816, are applicable to Native Officers and Soldiers of irregular corps on service in Affghanistan, that is on foreign service.

Western Court, 28th April; Calcutta Court, 20th May, 1842.

(No. 1336.)

1838.
Act XXVII.
Section 2.

A suit instituted in Zillah Bhagulpore, having been transferred to Zillah Purneah under the provisions of Section 2, Act XXVII. of 1838, and by the Judge of the latter district referred to his Sudder Ameen for trial: It was held, on a reference from the Judge of Purneah, that the appeal from the Sudder Ameen's decision will lie to the Purneah and not to the Bhagulpore Zillah Court.

Calcutta Court 13th, and Western Court 27th May, 1842.

(No. 1337.)

Civil Circular Order Vol. III. No. 177.

The following questions were submitted by the Judge of Tipperah, with reference to the Court's printed Circular Order, No. 177, dated 31st December, 1841, (Western Court 17th January, 1842,) relative to the duties and remuneration of Ameens.

1st. When the measurement of lands, in addition to other local enquiries, becomes necessary, may the Court appoint a Mohurrir and a *Nullee* or *Nullees*, subordinate to the Ameen, with allowances not exceeding those of the Ameen's but in addition thereto?

2nd. In giving possession of lands, so extensive as to render it impossible for one Ameen to complete the duty within a moderate period, may the Court appoint an Assistant or Assistants on separate allowances, not exceeding those of the Ameen?

3rd. Has the Court no power to appoint an Ameen to give possession, with larger allowances than 12 annas per diem, however extensive the lands may be, and however important the duty?

The reply to the 1st and 2nd Questions was in the affirmative, and to the 3rd in the negative.

Calcutta Court, 13th May; Western Court, 3rd June, 1842.

(No. 1338.)

1832.
Regulation II.
Section 2, Clause 2.

On a reference from the Officiating Session Judge of Mymensing, whether under the rule of Clause 2, Section 2, Regulation II. 1832, which prescribes that in cases of burglary and thefts, unattended with personal violence, the inquiry is optional and rests with the injured party, such party is notwithstanding bound to give notice of the burglary to the Police: It was held, that the party suffering the injury is not bound by the law to make any report of the kind referred to unless he should be a Zemeendar, and have to report the occurrence in that capacity.

Calcutta Court, 13th May; Western Court, 10th June, 1842.

(No. 1339.)

1841. Act XXIX.

On a reference from the Judge of Allahabad relative to the applicability or otherwise of the provisions of Act XXIX. 1841, to the Moonsiffs' Courts, in the stage of a case *prior to the filing of the answer:* The Courts of Sudder Dewanny Adawlut were of opinion that the Act in question must be held applicable in supersession of Construction 758, and that no suit can be struck off on default, prior to the filing of the answer, before the expiration of six Weeks.

Western Court, 18th May; Calcutta Court, 10th June, 1842.

(No. 1340.)

1829. Regulation X. Schedule B. Note to Article 8.

Held, on a reference from the Judge of Meerut, that in suits for fractional portions of Malgoozaree estates, the valuation according to the note at article 8, Shedule B. Regulation X. 1829, is to be computed on a portion of the Jumma of the entire estate corresponding with the fractional share sued for; and not, as has been the erroneous practice in some districts, according to the estimated selling price: Thus, for instance, if the suit be for a four anna share of an estate, assessed at 1000 Rupees and within the range of the perpetual settlement, the valuation will be 750 Rupees, or three times the Jumma (250 Rupees) of the fractional portion.

Western Court, 18th May; Calcutta Court, 17th June, 1842.

(No. 1341.)

Rule regulating the course of procedure in the event of a decree-holder transferring his decree to another party.

Held, on a reference from the Judge of Futtehpore, that in the event of A. endorsing over a decree passed in his favor to B., it is essential to the formal recognition by a Civil Court of such a transfer, that A. the transferring party, should certify, in person or by Mookhtar appointed for that special purpose either verbally or by petition, his having made the transfer to B. whose name should then be inserted, in place of that of the original decree-holder, in the execution of decree process.

Western Court, 20th May; Calcutta Court, 17th June, 1842.

(No. 1342.)

1813. Regulation VI. Section 3.

The following letter was addressed to the Judge of Nuddea in reply to a reference from that Officer. The Court, having had before them your predecessor's letter, No. 216, of the 20th September last, direct me to observe that the award in question being dated 28th December, 1840, the period of six months within which parties are required by Section 3, Regulation VI. 1813, to apply to the Courts for enforcing such awards, did not expire till the 29th June, 1841. But as the 28th, the last day available to the petitioner in the present case, was a holiday, together with the following day, the 29th, the Court hold that it was allowable to him to present his application on the next first Court day.

In considering the question raised by the Judge of Nuddea, it was recognized as a general principle that a party under legal obligation to move a Court within a given

period, may be allowed to postpone such motion to a day beyond the period supposing the last day of the latter to be a Sunday or holiday.

Calcutta Court, 18th, and Western Court, 29th March, 1842.

(No. 1343.)

On a reference from the Judge of Chittagong, as to whether a suit could be carried on against a party who had proceeded to England, it was held, that a case cannot be tried ex-parte, when it is known that the usual notice has not been, and cannot be served on the defendant.

A suit cannot be proceeded with against a defendant who has left the Country, and upon whom notice of action cannot be served.

Calcutta Court, 20th May; Western Court, 17th June, 1842.

(No. 1344.)

Held, that an Assistant to the Magistrate vested with special powers, is competent to dispose of cases under Act IV. 1840.

Act IV. 1840.

Western Court, 20th June; Calcutta Court, 8th July, 1842.

(No. 1345.)

Held, on a reference from the Session Judge of 24-Pergunnahs, that the mere keeping open of liquor shops at late hours is not within the meaning and intent of the terms "disorderly conduct," and consequently not punishable by the Magistrate under Section 32, Regulation X. 1813, but that if any breach of the peace or other misdemeanor occur in consequence of such keeping open of the shops during prohibited hours, the conduct of the Abkar may be considered disorderly; and himself consequently liable to the penalty provided for disorderly conduct.

1813. Regulation X. Section 32.

Calcutta Court, 20th May; Western Court, 1st July, 1842.

(No. 1346.)

Held, on a reference from the Judge of Purneah, that the rule in Section 24, Regulation XII. 1817, which requires Putwarees to produce their accounts when required by the Courts of Justice, is applicable to the subordinate Courts; Moonsiffs who may require to put the rule in force should send the Putwaree with a proceeding to that effect to the Zillah Judge.

1817. Regulation XII. Section 24. 1819. Regulation I. Section 3, Clause 2.

Calcutta Court, 24th June; Western Court, 2nd August, 1842.

(No. 1347.)

Held, on a reference from the Session Judge of 24-Pergunnahs that, a Magistrate is not authorized to attach lands, (paying Revenue to Government or under tenures) *pending* the decision of a case under Act IV. of 1840, or to call

1840. Act IV.

on the Collector to attach lands according to Regulation V. of 1827, *before* he has come to a decision in a case under the above Act.

Calcutta Court, 24th June; Western Court, 2nd August, 1842.

(No. 1348.)

1805.
Regulation II. Section 2.
Rule of limitation in executing decrees passed in favor of Government.

On a reference from the additional Judge of Benares, as to the right of Government to take out execution of a decree in its favor, after the expiration of 12 years from the date of judgment:—It was held, that the terms of Section 2, Regulation II. 1805, which Section declares claims on the part of Government to be cognizable by the Courts if preferred within 60 years from the origin of the cause of action, have reference to "*hearing, trying,* and *determining*" by the Courts of Civil Justice of all claims *preferred* on the part of Government; but do not extend to the case of claims *already adjudged*; and that, therefore, Construction No. 136, declaring that decrees may be executed after 12 years, provided good and sufficient cause for the delay be shown, must be the rule of guidance in all cases whether the decree may be in favor of Government or a private individual.

Western Court, 1st July; Calcutta Court, 22nd Idem, 1842.

(No. 1349.)

Rule regarding illegal and forcible dispossession from moveable property and the Magistrate's right of interference in such cases.

On reference from the Session Judge of Azimgurh as to the competency of a Magistrate to interfere in a case of illegal and forcible dispossession of chattels or other moveable property, with a view to restitution:—It was ruled, that supposing the fact of illegal and forcible dispossession to have been established, the Magistrate is competent to exercise interference in the case; but, if the property should be found to have come into the possession of the party it was discovered with, without proof of violence or other illegal act in the acquisition, and such party detained it on the plea of some claim or lien on the property, the matter would then be one of civil and not of criminal cognizance.

Western Court, 1st July; Calcutta Court, 29th Idem, 1842.

(No. 1350.)

1839.
Circular Order, No. 30.
Regarding a decree holder purchasing his debtor's property at public Sale.

With reference to the printed Circular Order, No. 30, dated the 18th January 1839, it was held, on a reference from the Judge of Midnapore, that a decree-holder purchasing his debtor's property at a public sale by the Collector, for a higher sum than the amount of his decree must deposit 15 per cent on the whole amount of the purchase money, or the balance in full; as should the balance above the amount of his decree not be paid, the sale falls to the ground, and the purchaser forfeits the earnest money on the sum total bid by him.

Calcutta Court, 15th July; Western Court, 5th August, 1842.

(No. 1351.)

1793. Regulation XXXVI.

Extract from a letter from the Judge of Backergunge to the Register of the Presidency Court of Sudder Dewanny Adawlut, dated 11th July, 1842.

"Para: 2. A petition has been presented to this Court, by A, stating that on the rejection by the Officer in charge of the Registry Office of a Deed of Sale executed by him in favor of B, on the ground of a similar Deed purporting to have been executed by him in favor of C, a third party, having been already registered by a person acting under A's Mookhtyarnamah, duly attested and sworn to by Witnesses. A, applied by written petition to the Officer before-mentioned, alleging that the Deed and Mookhtyarnamah were both forgeries, and requesting that such proceedings should be taken as might protect his interests from prejudice; but that this petition was rejected without any reasons assigned. Now as the order on the petition does not state whether any and what enquiry into the validity of the Mookhtyarnamah was instituted subsequent to the date of the petition, I should think the proper course for the ends of Justice would be to direct the Register to institute an enquiry, if it had not been done, both as to the Mookhtyarnamah and Deed of Sale already registered, and if they, or at any rate if the Mookhtyarnamah appeared to be a forgery, to cause the delinquents to be proceeded against by application to the Judge for commitment for forgery or perjury, or both as might be warranted."

"3rd. I cannot however discover any thing in the Regulations authorizing such interference of the Judge with the proceedings of the officer in charge of the office for the Registry of Deeds; on the contrary, he is directed to bring any irregularities to the notice of Government, and therefore, particularly as the case is a novel one, I have decided on applying for instructions."

"4th. Another point apparently requires to be cleared up: On the Mookhtyarnamah or registered Deed being proved before a competent tribunal to be a forgery, it would, I conceive, be the duty of the Registering officer to cancel the registry already made, and to admit the Deed now tendered to registry; would the Judge be competent, under these or any other circumstances, to receive an appeal brought with a view to compel the Registering officer to register or cancel the registry of a Deed, on his refusal to do either?"

Extract from the reply of the Calcutta Court:

"The Register should register the Deed brought to him for that purpose, leaving it to the courts to declare which of the two Deeds of Sale is the true and valid document, whenever that question may be raised in a regular suit. The Register, however, must satisfy himself of the identity of the party registering the Deed, if the latter appear in person, or, if by attorney, ascertain the due attestation and validity of the Mookhtyarnamah."

Western Court concurred.

Calcutta Court, 22nd July; Western Court, 12th August, 1842.

(No. 1352.)

1812. Regulation III. Section 9. Clauses 3, 4, and 5.

Held on a reference from the Session Judge of Azimgurh, that the requisition by the Magistrate from the Zumeendars of villages within a certain distance from that where an affray attended with homicide occurred, of certificates that the absconded offenders implicated in the affray

were not within the limits of their estates, was not warranted by the provisions of Clauses 3, 4, and 5, Section 9, Regulation III. 1812.

Western Court, 25th July; Calcutta Court, 19th August, 1842.

(No. 1353.)

1841. Act XXXI.

Extract from a letter from the Session Judge of Azimgurh, to the Register of the Nizamut Adawlut, North Western Provinces, dated the 2nd July, 1842.

"The point which I wish determined is, what is the measure of a petty offence? that is, does every crime of every denomination which a Magistrate may deem to deserve no larger penalty than that which he can inflict under Section 8, Regulation VI. 1803, thereby become a petty offence therein described or not. Two cases have induced me to refer this point;—In the one A. was convicted of Contempt of Court or resistance of process and fined Rs. 30 for his offence which is specifically punishable by a higher penalty; does this thereby become a petty offence and is the defendant thereby precluded from appeal? In the 2nd case B. a Chowdry was charged with extorting money by detaining unjustly C.'s cart on pretence of being compelled to furnish conveyance for the despatch of Treasure and was fined a sum less than Rs. 50. Extortion is a serious charge in itself: but in this case the Magistrate deemed the case light;—Is this a petty offence wherein the sentence is conclusive or not?"

Extract from the proposed reply of the Western Court.

"This Court would inform the Session Judge that, under the law as it exists, the Magistrate must be the authority to determine the character of the offence, and the measure of punishment deemed commensurate thereto; always provided he exceed not the limitation prescribed by Sections 8 and 9, Regulation VI. 1803, and that consequently there can be no appeal to the Sessions Court in either of the cases mentioned. Such an appeal would, moreover, have no result as respects the award of heavier punishment with reference to the prohibition of enhancement contained in Section 4 of the Act."

Calcutta Court concurred.

Western Court, 25th July; Calcutta Court, 26th August, 1842.

(No. 1354.)

1832. Regulation II. Section 2, Clause 2.

Held on a reference from the Session Judge of Furruckabad, that though it is irregular under Clause 2, Section 2, Regulation II. 1832, for a police officer to make a local enquiry into cases of the nature therein specified without the written application thereby prescribed, it is not irregular in the Magistrate to direct the police officer to make the enquiry, whenever he may consider such a step to be advisable.

Western Court, 5th August; Calcutta Court, 26th Idem, 1842.

(No. 1355.)

1829. Regulation XIV.

Held on a reference from the Judge of Futtehpore, that parties instituting and defending suits in the Company's Courts and who reside in a foreign state, but hold lands and other property within the limits of the

British territories, must nevertheless find security for costs, under the provisions of Regulation XIV. of 1829.

Western Court, 5th August; Calcutta Court, 26th Idem, 1842.

(No. 1356.)

1839.
Act IX. Section 1.

Held by a majority of the Courts of Sudder Dewanny Adawlut, that orders passed by the Zillah Judges under Section 1, Act IX. of 1839, rejecting applications to sue in formâ pauperis are appealable to the Sudder Dewanny Adawlut.

Calcutta Court, 22nd July; Western Court, 19th August, 1842.

(No. 1357.)

1823.
Regulation VI.
1836
Act X.

Held on a reference from the Session Judge of Midnapore, that the decision of a Principal Sudder Ameen or Sudder Ameen passed in a summary suit instituted under Regulation VI. of 1823, which has been referred to him for decision under Section 5, Act X. of 1836, is not appealable, with reference to the rule of Section 6, of the former enactment.

Calcutta Court, 5th August; Western Court, 2nd September, 1842.

(No. 1358.)

1829.
Regulation X.
Schedule B, Article 8.

The following question was put to the Sudder Dewanny Adawlut for the North Western Provinces, by the Judge of Cawnpore:

"I have a suit before me for possession of a Government 4 per cent Promissory Note for 5,000 Sicca Rupees, and have some doubt whether the appeal should not have been made to the Superior Court."

Extract of a letter from the Register of the Sudder Dewanny Adawlut for the North Western Provinces.

"The Majority of the Court do not think any legal objection exists to the Judge hearing the appeal. They observe the suit is not brought for the recovery of 5,000 Sicca Rupees, but for a document valued at 5,000 Company's Rupees, and which, if now sold in the Bazar, would certainly not realize the sum at which the suit is brought. It was pledged for Rupees 4,600, the amount for which it is said to be redeemable is 4,930."

Reply of the Calcutta Court:

"I am directed by the Court to acknowledge the receipt of your letter, No. 1557, of the 5th ultimo, and to state, in reply, that the suit in question having been brought to recover possession of a Government Promissory Note for Rupees 5,000 without mention of any currency, which amount is covered by a stamp of 150 Rupees, and no objection having been urged against the valuation in the Court of first instance, the Court are of opinion with the Majority of the Western Court, that the appeal lies to the Zillah Court."

Western Court, 5th August; Calcutta Court, 2d September, 1842.

(No. 1359.)

1840. Act IV. Section 2. The following question was submitted by the Magistrate of Midnapore through the Session Judge of that District:

"A. a ryot, complains against C. as likely to carry off Indigo Plant grown by him, and states himself to have received advances from, and to have grown the disputed plant for B. an Indigo Planter: C. likewise an Indigo Planter, declares that he has also made advances to A. and that A. has cultivated plant for him too, which however A. denies."

1823. Regulation VI. 1836. Act X.

"Trying such a case under Section 2, of Act IV. of 1840, I conclude that A. is the person manifestly to be considered in possession of the crop disputed, and is to be allowed to deliver the disputed plant to either B. or C. as he may think fit; and that an order may be given by the Magistrate prohibiting C. from attempting to take forcible possession. C. of course will have his redress in the Civil Court against A. or B. under Regulation VI. of 1823, and Act X. of 1836, and if he timely take his measures there, supposing his claim to be in reality a better one than that of B. he might upon giving security, on a summary enquiry be enabled to cut and carry away the disputed plant, which seems to me to be sufficient for the protection of his rights.

The Courts of Nizamut Adawlut were of opinion that the Magistrate had taken a correct view of the subject.

Calcutta Court, 5th August; Western Court, 2d September, 1842.

(No. 1360.)

Rule regarding the payment of deposits to Vakeels.

Held on a reference from the Judge of Futtehpore, that money deposited in Court as payable to a party, should never be paid to a Vakeel, save under specific authority conveyed in the Vakalutnamah; and that for any sums paid away in any other mode, the Officers making the disbursement must be held personally responsible.

Western Court, 5th August; Calcutta Court, 9th September, 1842.

(No. 1361.)

1841. Act XXXI. Section 2.

Held on a reference from the Session Judge of Cuttack, that the order of a Magistrate inflicting fine, not exceeding 200 Rupees, under the express condition specified in Section 8, Regulation IX. 1793, is not appealable; but that it is incumbent on the Magistrate, in passing an order of fine above 50 Rupees, under that enactment, to set forth that the person fined is in the condition mentioned; and that in the absence of any such declaration on the part of the Magistrate, any order of his, directing the payment of a fine above 50 Rupees is primâ facie appealable.

Calcutta Court, 19th August; Western Court, 9th September, 1842.

(No. 1362.)

1837. Act XXV. Section 5.

On a reference from the Judge of Furruckabad, whether in a suit referred to the Principal Sudder Ameen, under Section 5, Act XXV. 1837, that Officer would be bound by the rules regarding Tulubana for service of process and the receipt of supplemental proceedings, applicable to the

Court of the Moonsiff:—It was held, that the law having made a specific declaration of the particular instances, viz. ; as regards stamp duties, and appeal, in which Principal Sudder Ameens, acting in such a character are to be subject to the rules prescribed for the Courts of the Moonsiffs, the requirement must be held to be limited to the purport of that declaration, and that consequently, in the points instanced, the Principal Sudder Ameen would not be tied down by the restrictions imposed by law on the Moonsiffs' Courts.

Western Court, 26th August ; Calcutta Court, 9th September, 1842.

(No. 1363.)

Rule regarding supplemental proceedings.

Held that a Civil Court, authorized to admit supplemental proceedings, may *allow* one supplemental plaint or answer to be filed on the application of the party wishing to do so, but has no authority to dictate to the parties, and order one to be filed without such application.

Western Court, 24th August; Calcutta Court, 23rd September, 1842.

(No. 1364.)

1817. Regulation XX. Section 10. Clause 4.

Held on a reference from the Session Judge of the 24 Pergunnahs, that Putneedars are included in the terms "landholders, proprietors, and farmers of land," made use of in Clause 4, Section 10, Regulation XX. 1817, and therefore liable to be called upon to perform the duties referred to in that Clause.

Calcutta Court 2nd; and Western Court, 23rd September, 1842.

(No. 1365.

1817 Reg. XX. Sections 12 and 13.—1811 Reg. VII. Section 3.

Held that a Thannadar is empowered, by Sections 12 and 13, Regulation XX. of 1817, to enter upon an inquiry into a charge of Rape preferred directly at the Thannah, no complaint having been preferred in the first instance at the Cutcharee of the Magistrate.

Western Court, 19th November; Calcutta Court, 9th December, 1842.

(No. 1366.)

1840 Act IV. Regarding disputes between a proprietor and a mortgagee.

In a dispute between a proprietor of an estate, and a mortgagee of an orchard situated therein, the Magistrate of Bareilly, considering the possession of the latter to have been satisfactorily established, directed him to be maintained in possession. The proprietor appealed, and the Sessions Judge reversed the decision of the Magistrate, directed him to maintain the proprietor in possession, and referred the mortgagee to the Civil Court.

The Western Court considered that the course adopted by the Magistrate, in the case in question, for the maintenance of the mortgagee in possession, till formally dispossessed by the usual process laid down in the Regulations, was right.

The Calcutta Court concurred.

Western Court, 2nd ; and Calcutta Court, 23rd December, 1842.

(No. 1367.)

From the Register of the Western Court to the Register of the Presidency Court of Sudder Dewanny Adawlut, dated 22nd December, 1842.

1842 Act X.

I am directed to request that you will lay the accompanying copy of a letter, No. 493, dated 1st instant, with is original enclosure from the officiating Commissioner of Meerut, before the Calcutta Court, for the opinion of the Judges thereon.

2. On the several points regarding which an interpretation of Act No. X. of 1842, is sought, this Court would answer as follows.

3. Differing from Mr. Begbie, the Court would restrict the meaning of the term "householder" used in the Act to *house proprietor*, tenants not being included in the definition; an interpretation that seems obvious with reference to the provision in Section 3, for the rate being raised by a per-centage on the rent, or yearly value of the premises, within the settlement, which could not be intended to be assessed by mere tenants of the property.

4. On the second point of inquiry, the Court agree with Mr. Begbie as to the permanent character of the Committee when once constituted, subject to the liability of dissolution contemplated in Section 8, and in respect to the rates being annually revisable at the discretion of the Committee. In the third subject of inquiry also the Court concur with the Commissioner.

5. With respect to the 4th question, the Court conceive that, under the terms of the Act, the Committee in all its members would be jointly and severally responsible for any misappropriation of monies collected, to purposes foreign from those contemplated in the enactment; but they observe, that the fact, whether the act complained of was or was not a "misapplication" of the nature described in Section 3, would be determinable on trial of the "Civil Action" provided by the same Section.

From the officiating Commissioner 1st Division to the Register of the Court of Sudder Dewanny Adawlut, Western Provinces dated 1st December, 1842.

I have the honor to lay before the Court, the accompanying letter to my address from Major Angelo, Secretary to the Local Commitee at Mussooree, proposing for resolution, certain points of doubt entertained by the residents at that place, regarding the meaning and intent of Act X. of 1842.

2. The points discussed by Major Angelo are four in number.

First. The meaning to be attached to the word "house-holder" used in the Act.

Second. Whether the application to be placed under the operation of the Act, is to be made annually, or only once, and the operation of the Act to be considered permanent when sanctioned by Government.

Third. The propriety of appointing the Political Agent at Dehra and the Resident Magistrate to be ex-officio members of the Committee; and,

Fourth. The Degree of responsibility which will attach to the Committee.

3. On the first point, it appears to me that the word "house-holder" must be understood *generally*, as comprehending both tenants and house-proprietors. I see no difference between tenants in the Hills and tenants in the plains, the rents of houses being fixed by the proprietors for the season, and being generally as high or higher, than the annual rents of houses in the plains. I apprehend no injury to the proprietors of houses likely to arise from the rates being voted by the tenants, as the former always have it in their power to raise their rents; and it appears to me that the latter have an equal, if not greater, interest than the proprietors in maintaining the roads or other public works in good repair. The interest of the proprietors are, moreover, protected by the limit of taxation fixed by Section 3, of the Act.

4. On the second point, I conceive that when the Act shall have been once rendered operative, on the application of the house-holders, it must continue so permanently; and that a revision of rates should be made annually by the Committee, with reference to the increase or decrease in the number of inhabited houses, and the rise or fall in rents.

5. Regarding the third point, I am of opinion that, with reference to Section 2, of the Act, the Political Agent at Dehra, not "being an inhabitant of the place," could not be appointed a member of the Committee. I see no reason, however, why the resident Magistrate should not be nominated a member of the Committee, if so desired by that body, during the time of his *actual* residence in the Hills.

6. With respect to the fourth and last point of doubt, it seems to me clear enough, that the intent of Section 3, of the Act, is to hold the Committee responsible for any *fraudulent* misapplication of the money collected by them; and not for any mere error of Judgment "in respect of any contract entered into by them bonâ fide on behalf of the inhabitants."

Calcutta Court concurred, on the 20th Jany. 1843.

(No. 1368.)

1841. Act XXIX.

On a reference from the Judge of Cawnpore, it was held, in adoption of the rule of Circular Order of the Sudder Dewanny Adawlut, No. 25, dated 7th January, 1831, that the interval of the established vacations must not be allowed to be deducted, in the calculation of the period beyond which default is incurred under Act XXIX. of 1841.

Western Court, 2nd December, 1842; Calcutta Court, 23rd idem.

(No. 1369.)

1825. Reg. IX. Section 3.
1822. Reg. VII. Sections 11, 12, 14 and 16 to 35.
1833. Regulation IX.

Held, on a reference from the Judge of Ghazeepore, that the Government are, by Section 3, Regulation IX. 1825, competent to authorize the Revenue Authorities, though not employed in revising settlements, to perform all the Acts described in Sections 11, 12, 14 and 16 to 35, of Regulation VII. of 1822, in any specified tract within the provinces of Bengal, Behar, Orissa and Benares, in the summary adjudication of suits between individuals; that the provisions of Regulation IX. 1833, are applicable to adjudications in such parts, made in conformity with those provisions; and that, therefore, the Collector is competent to adjudge claims connected with disputed boundaries in those tracts.

Western Court, 27th January; Calcutta Court, 10th February, 1843.

(No. 1370.)

1836. Act. XXVI. 1841. Act. XXXI.

Held, on a reference from the Sessions Judge of Delhi, that an appeal from the decisions and orders of a Superintendent of Police in the Governor General's Camp, appointed under Act XXVI. of 1836, is cognizable by a Sessions Judge, in the same manner and under the same

restrictions as appeals from the decisions and orders of a Magistrate, or other Officer empowered to try criminal cases, are admissible.

Western Court, 17th March, 1843; Calcutta Court, 31st idem.

(No. 1371.)

1833. Regulation IX.

Held, on a reference from the Officiating Judge of Jounpore, that the jurisdiction of the Civil Courts is only barred by the provisions of Regulation IX. of 1833, when the proceedings of the Collector, or other Officer, engaged in making settlements, are in conformity with the rules prescribed in the enactment; and that when a suit, brought to set aside the decisions passed, and adjustments made by the Revenue Authorities, acting under the Law quoted, is deemed admissible, it must be tried and decided, not with reference to the informality of the Collector's proceedings, but on the merits of the Plaintiff's claim.

Western Court, 7th November, 1842; Calcutta Court, 17th March, 1843.

(No. 1372.)

Circular Order, No. 128, dated 2nd January, 1835.

Held, on a reference from the Officiating Judge of Hooghly, that copies or extracts of Merchants' accounts and books, to be kept with the record, must be made on Stamps of the value of 8 annas per sheet.

Calcutta Court, 20th January; Western Court, 6th February, 1843.

(No. 1373.)

1814. Regulation XXIII, Section 13, Clause 2.

Held, on a reference from the Judge of Rungpore, that the prohibition contained in Clause 2, Section 13, Regulation XXIII. of 1814, does not extend to summary suits, and that Moonsiffs are competent to try the fact of possession, by a European, of land attached by them in execution of decree, in the same manner as they can inquire into the possession of Lakhiraj land, as ruled by Constructions Nos. 798 and 1054.

Calcutta Court, 27th January; Western Court, 15th February, 1843.

(No. 1374.)

Construction No. 1135, dated 2nd November, 1838.

Held, on a reference from the Officiating Judge of Chittagong, that fines, not exceeding 50 rupees, must be made commutable by imprisonment (Section 111, Regulation X. 1819), and the orders executed by confinement of the individual for the prescribed period, unless the fine be paid in the interim, when the party is entitled to his discharge; and that if the fine exceed 50 rupees, but be not more than 400 (Section 31, Act XXIX. 1838), and the order contain no provision for commuting the same to imprisonment in default of payment, then, the Judge must proceed to realize the fine exactly in the same manner, as he would do in the execution of a decree of his own Court of the same amount, as the fine

imposed, taking care that, the term of the imprisonment in no case exceeds the scale laid down in Section 110, Regulation X. 1819.

Calcutta Court, 27th January; Western Court, 17th February, 1843.

(No. 1375.)

1825.
Reg. II. Sec. 2, Clause 1.
Reviews of orders of remand in regular appeals.

Held, by a majority of the two Courts, that a case, without trial of the merits, being remanded for irregularity, either party being desirous of a review of that order, after the expiration of three months, must move the Court by a petition, engrossed on a Stamp of the value prescribed for petitions given after the period of three months by Clause 1, Section 2, Regulation II. 1825.

Western Court. 31st January; Calcutta Court, 24th February, 1843.

RULES IN CASES OF APPEAL TO ENGLAND, BY THE SUDDER DEWANNY ADAWLUT.

25th November, 1842.

That Government Promissory Notes tendered as security for cost in cases of appeal to the Privy Council, be received at their market value.

25th November, 1842.

That the amount of security in each case to be given by the appellant, be fixed at 25,000 Company's Rupees.

M. SMITH,
Register.

25th November, 1842.

Parties engaging pleaders to present applications for the admission of special appeal, must distinctly state in their Wukalutnamahs whether the pleader is merely to make the preliminary application, or to conduct the case to its final issue.

M. SMITH,
Register.

Rule of Practice by the Sudder Dewanny Adawlut.

All rules of practice under Act XVII. 1841, to be drawn up in English and Urdu, and hung up at the entrance of the Court House, for one month, to enable the public to suggest alterations, or offer objections, previous to submission to the Supreme Government for approval.

M. SMITH,
Allahabad, 20th January, 1843. *Register.*

NOTIFICATION.

Rules for the guidance of the practice of the Sudder Dewanny Adawlut in the verification of Vukalutnamehs and Mookhtarnamehs, passed by the Hon'ble the President in Council, on the 21st June, 1843, *under Section* 2, *Act XVII. of* 1841.

Vukalutnamehs, whether executed by principals or their attornies and agents—and Mookhtarnamehs, under the authority of which Vukalutnamehs are executed, shall not hereafter be required to be verified on oath. The responsibility in regard to all such documents being properly and correctly executed, shall rest entirely with the vakeels.

The above rule does not apply to cases in which only Mookhtars or agents are employed, in all such cases the Mookhtarnamehs shall be verified on oath as at present.

All Mookhtarnamehs executed out of Calcutta for the purpose of being filed in the Sudder Court, shall be verified in one of the offices of the District competent to make such verification, in which the document is executed, and no Mookhtarnamehs, except those executed within the town of Calcutta, shall be verified at the office of the Court.

(Signed) J. HAWKINS,
Register.

G. F. EDMONSTONE,
Offg. Register.

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES.

(No. 14.)

To Commissioners of 1st to 5th Divisions, Delhi, Saugor and Kumaon.

The Honourable the Lieutenant-Governor having directed that, whenever an Officer, in the Resumption Department, may discover a Rent-Free tenure, which is held under a grant from, or has been at any time formally recognized by, the British Government, the circumstance shall be immediately reported, I am instructed, by the Sudder Board of Revenue North-Western Provinces, to request that you will issue the requisite orders to the Officers employed in the trial of Mauffee cases in your Division.

2nd.—A copy of the Government Order (extract of resolution in the Political Department, dated 25th May, 1840, Paragraph 11) is annexed for your perusal.

H. M. ELLIOT,

Allahabad, 17th July, 1840. *Secretary.*

ANNEXURE.

Extract from the Resolution of Government, in the Political Department, dated 25th May, 1840, *Paragraph* 11.

The Lieutenant-Governor is further pleased to resolve that the Sudder Board shall be requested to instruct all Officers, employed in the Resumption Department to report, through the Commissioner of the Division, for the immediate information of Government, whenever they may meet with a tenure either created or formally recognized by a direct act of the British Government.

(True Extract.)

H. M. ELLIOT,

Secretary.

(No. 15.)

To Commissioners of Revenue, 1 to 5, Delhi, Saugor and Kumaon.

Forwards copy of Government Orders and annexures intimating that all rent free tenures, held by Independent Chiefs, must be investigated in future by Political and not by Revenue Officers.

I am directed by the Sudder Board of Revenue, North-Western Provinces, to transmit for your information and guidance copies of the orders of Government, No. 1160, of the 21st ultimo, and of its annexure, directing that all rent free tenures, held by Independent Chiefs, are to be investigated, in future, by the Political and not by the Revenue Officers.

H. M. ELLIOT,
Secretary.

Allahabad, 1st September, 1840.

COPIES.

(No. 1160.)

To H. M. ELLIOT, Esq.

Secy. to the Sudder Board of Revenue, N. W. Provinces.

ALLAHABAD.

I am directed by the Honourable the Lieutenant-Governor to transmit to you, for the purpose of being circulated by the Board to the several Commissioners of Revenue, North-Western Provinces, the annexed copy of a letter, No. 109, from the Junior Secretary to the Government of India, Revenue Department, dated the 27th ultimo, regarding rent free lands held by Independent Chiefs.

W. EDWARDS,
Assist. Secy. to the Govt. N. W. Provinces.

Agra, 21st August, 1840.

(No. 109.)

To J. THOMASON, Esq.

Secy. to the Hon'ble the Lieut. Govr. for the N. W. P.,

AGRA.

I am directed by the Governor-General of India in Council to transmit to you, for the information of the Honourable the Lieutenant-Governor, North-Western Provinces, the accompanying copy of an Extract, No. 179, from the proceedings of His Lordship in Council in the Political Department under date the 6th instant.

F. J. HALLIDAY,
Junior Secy. to the Govt. of India.

Fort William, 27th July, 1840.

(No. 179.)

Extract from the proceedings of the Right Honourable the Governor-General of India in Council, in the Political Department, under date the 6th July, 1840.

Extract from a General Letter, from the Honourable the Court of Directors, dated 24th April, No. 219, of 1840.

Para. 6.—When an Independent Chief holds lands, even an ordinary rent-free tenure, his title should not be lightly called in question, and investigation when requisite, should, as Lieutenant-Colonel Alves pointed out, be made by our Political, and not by our Revenue Officers.

Ordered, that a copy of the foregoing Extract be sent to the Revenue Department of the Government of India for information.

(True Extract.)

H. TORRENS,
Offg. Secy. to Govt. of India.

(No. 17.)

To Commissioners of Divisions, 1 to 5, Delhi, Saugor and Kumaon.

Forwards for guidance copy of a Correspondence received from Government, regarding the rule adopted for affording Government Pleaders the ready means of realizing their fees on suits in which Government is a party.

The Honourable the Lieutenant-Governor North-Western Provinces, having at the suggestion of the Sudder Dewanny Adawlut, at Allahabad, been pleased to authorize the adoption of the rule introduced in the Courts of the Bengal Presidency, to afford Government Pleaders the ready means of realizing their fees on suits in which Government is a party, I am directed by the Sudder Board of Revenue, North-Western Provinces, to annex for your information and guidance, and for communication to the Collectors of districts in your Division, copies of the documents noted in margin.

Government to Sudder Board, No. 1224, dated 28th August.
Ditto Dewanny Adawlut, No. 2552, dated 28th August.
Resolution of Presidency Court.

H. M. ELLIOT,
Secretary.

Allahabad, 8th September, 1840.

(No. 1224.)

To H. M. ELLIOT, Esq.

Secy. Sudder Board of Revenue, N. W. Provinces.

ALLAHABAD.

I am directed by the Honourable the Lieutenant Governor to forward for the information and guidance of the Board, a copy of the annexed correspondence * with the Sudder Dewanny Adawlut at Allahabad.

* From Officiating Register, dated 7th August, with Enclosures.
To ditto in reply, of this date.

W. EDWARDS,
Asst. Secy. to the Govt. N. W. P.

Agra, 28th August, 1840.

(No. 2552.)

To M. SMITH, Esq.

Offg. Register, Sudder Dewanny Adawlut, N. W. P.,

ALLAHABAD.

I am directed to acknowledge the receipt of your letter, No. 1493, dated 7th instant, with its annexures; and in reply to inform you, that the Honourable the

Lieutenant-Governor has been pleased to sanction the extension to the Allahabad Court, and to the Zillah Courts generally, of the rule of practice adopted by the Presidency Courts; with a view to afford the Government Pleader the ready means of realizing his fees from the Government in cases decided, wherein the Government is a party.

W. EDWARDS,

Agra, 28th August, 1840. *Asst. Secy. to the Govt. N. W. P.*

Resolution of the Presidency Court of Sudder Dewanny Adawlut, under date the 17th July, 1840.

Read a Letter, (No. 1118, of the 30th ultimo), from the Deputy Secretary to Government in the Judicial Department, in reply to the Register's letter, No. 1945, of the 12th ultimo.

Resolution.

Under the sanction communicated in the above mentioned letter, the Court resolve that on any case being decided in this Court, in which the Government is a party, the presiding Judge shall add to his order a note specifying the amount due to the Government pleader, to afford that Officer the means of recovering his fees from the Government direct through the Revenue Board or other authority, who may have preferred or defended the appeal.

(True Copies.)

H. M. ELLIOT,
Secretary.

(No. 18.)

To Commissioners 1 *to* 5, *Dehlee, Saugor and Kumaon.*

In continuation of Circular, No. 38, dated the 29th of November, 1839, I am directed by the Sudder Board of Revenue, North-Western Provinces, to forward for communication to the Collectors of your Division, Extract paragraph 1st of Government orders of the 29th ultimo, No. 1225, approving of an allowance of 5 per cent on the weighment and transfer of Treasure Chests.

In continuation of Circular, No. 38, dated 29th November, 1839, forwards an Extract from Government Orders, dated 29th August, 1840, approving of an allowance of 5 per cent on the weighment and transfer of Treasure Chests.

2.—This percentage for decrease of weight has been fixed upon under the impression that it is sufficient to prevent the abstraction of any sum while at the same time it will give ample allowance for change of weight from influence of climate and drying of the wood.

H. M. ELLIOT,

Allahabad, 11th September, 1840. *Secretary.*

Extract paragraph 1st from Government orders No. 1225, dated the 29th August 1840, to the address of the Sudder Board of Revenue, Allahabad.

1st.—I am directed by the Honourable the Lieutenant-Governor to acknowledge the receipt of your letter, No, 313, dated the 11th instant, on the subject of weighing despatches of treasure, and in reply to inform you, that the Honourable the Lieutenant-Governor approves of an allowance of 5 per cent being given in the weighment and transfer of Treasure Chests.

(True Extract)

H. M. ELLIOT,
Secretary.

(No. 19.)

To Commissioners of Revenue, 1 to 5, Kumaon, Dehlie and Saugor Divisions.

Circular order directing that the Tehseeldars be instructed to receive sums deposited in their treasury by Moonsiffs, and to pay out such sums as the Moonsiffs may direct, always taking care that the amount disbursed never exceeds that deposited. Instructions regarding the nature of accounts to be kept by the Tehseeldars.

The Sudder Board of Revenue, North Western Provinces, desire me to request that the Tehseeldars of your Division may be directed to receive such sums as the Moonsiffs in their neighbourhood may desire to deposit with them, and to pay out such sums as the Moonsiffs may direct, always taking care that the sum disbursed never exceeds the sum total of deposit in their hands.

2.—There will be no occasion for the Tehseeldars to keep any account of the cases or persons in whose behalf sums are deposited or paid—all these details will be kept by the Moonsiffs, and the Tehseeldars have only to concern themselves with keeping a careful record of the amounts and dates of sums received or disbursed under this head. The annexed form of account will be sufficient for this purpose.

3.—All receipts and disbursements under this arrangement will be incorporated in the regular accounts transmitted to the Collector, and its effect on the Cash Balance in the Tehseeldars hands will be always exhibited.

H. M. ELLIOT,
Secretary.

Allahabad, 11th September, 1840.

FORM.

RECEIPTS.			DISBURSEMENTS.		
Number.	Date.	Amount.	Number.	Date.	Amount.

H. M. ELLIOT,
Secretary.

(No. 20.)

To Commissioners of Divisions, 1 to 5, Kumaon, Delhie and Saugor.

I have the honor, by direction of the Sudder Board of Revenue, North-Western Provinces, to forward for your information and guidance Copy of a Circular, No. 1702,

Forwards for the information and guidance of Commissioners Copy of a Circular, No. 1702, issued by the Sudder Dewanny Adawlut, North-Western Provinces, on the 4th September, containing their construction of Clause 4, Section 4, Regulation VII. of 1825.

issued by the Sudder Dewanny Adawlut, North-Western Provinces, on the 4th inst., containing their construction of Clause 4, Section 4, Regulation VII. of 1825.

H. M. ELLIOT,
Secretary.

Allahabad, 18th September, 1840.

ENCLOSURE.

Copy of the Sudder Dewanny's Circular Order, No. 1702 *dated 4th instant.*

TO THE SEVERAL ZILLAH AND CITY JUDGES, IN THE NORTH-WESTERN PROVINCES.

With the reference to a question recently brought before the Court, touching a construction of Clause 4, Section 4, Regulation VII. of 1825, in respect to the power of a Collector to postpone a sale under the circumstances contemplated by that Clause, I am directed to acquaint you that it has been ruled by the Court that no power is thereby vested in a Collector of postponing the Sale, without an express injunction from the Court ordering the Sale to that effect; and unless such injunction be received, the Sale should accordingly take place on the date fixed.

2.—You will be pleased to consider the concluding words of paragraph 2, of the printed construction, No. 794, dated 12th June 1833, quoted in the margin,* as cancelled.

* Staying his proceedings until the further orders of the Court are received.

M. SMITH,
Offg. Register.

Allahabad, 4th September, 1840.

REVENUE.

(No. 23 OF 1840.)

The Sudder Board of Revenue, North-Western Provinces, forward, for transmission to the Collectors Extract paragraphs 7 to 9, inclusive of a letter from the Secretary to Government, North-Western Provinces, to the Secretary to Government of India in the Financial Department with table of Government coins at present in common circulation in these Provinces.

Circular order directing the withdrawal of the light weight Rupees from circulation, and instructing the Collectors to prevent their re-issue.

2.—The object of Government, is to withdraw the light weight Rupees from circulation and prevent their re-issue. In furtherance of this object Collectors, until otherwise instructed, will receive light weight Furruckabad Rupees at their full original value, without deduction for abrasion, and will issue a notification to that effect in their respective Districts.

3.—Collectors will take every possible precaution to prevent such Rupees from again finding their way into circulation, and hold them in deposit until furnished with instructions by the Accountant as to the mode in which they are to be disposed of.

4.—Collectors must also see that their Mofussil Establishments are paid in good coin direct from the Treasury, instead of allowing them to pay themselves from their own Treasuries.

By Order of the Sudder Board of Revenue, North-Western Provinces.

H. M. ELLIOT,
Secretary

Allahabad, 13th November, 1840.

Extract paragraphs 7 to 9 inclusive of a letter from the Secretary to Government, North-Western Provinces, to the Secretary to the Government of India, Financial Department, dated 27th October, 1840.

7.—The Public Treasuries ought to afford the ready means of doing this, for the cash balance in the Treasuries is on an average about two Crore, whilst the total coinage of Furruckabad Rupees from 1804 to 1833 was only 21 Crore.

V. Prinsep's Useful Tables pp. 57-58.

8.—The interest of all the Native Officers of Government is, however, opposed to the withdrawal of light weight Rupees from circulation. The Native Officers look to them as the great source of profit. They receive them at a discount for which they allow the Government no credit and force them again into circulation at par from the weight of their official influence. Even the Collector himself shrinks from the responsibility of receiving them, keeping them long in his inefficient balance at his personal risk, and afterwards hazarding a tedious correspondence with the Mint Officers as to their intrinsic value.

9.—Some good may be immediately done by urging on the Local Officers the importance of receiving light weight coin at its full value and preventing its re-issue. Attention to this will be enjoined on the authorities at Agra in answer to the present reference, and instructions of this nature will be circulated through the Sudder Board of Revenue and Accountant in other parts of the country.

Table of Government coins at present in common Circulation in the N. W. P.

Denomination of Rupee.	*Weight in grains Troy.*	*Percentage of abrasion allowed.*	*Minimum weight at which receivable.*	*Enactment regulating Currency.*
Furruckabad Rupee obliquely worked. ...	173	* 6 As per cent.	† 172—352	Reg. XLV. 1803, and III. 1806.
Ditto straight or plain edged.	180	1 R. 8 As. per cent.	178—125	Reg. II. 1824.
Company's Rupee.	180	2 Rs. per cent.	176—400	Act XVII. 1835.

* Raised to Rupee 1 0 8 by the Revenue Accountant's Circular of January 23rd, 1836, in construction of Section 3, Regulation II. 1824. † Fixed at 171—197 &c. as above.

(True Copies.)

H. M. ELLIOT,
Secretary.

(No. 1 OF 1841.)

Communicates for guidance copy of Government Orders, dated 24th December, 1840, Para. 3rd, on the subject of the disposal of Maufee tenures held uninterruptedly for two successions previous to 1789 A. D.

The following Extract Para. 3, from the Orders of Government, in a letter addressed to the Special Commissioner of Meerut under date the 24th December, 1840, is published by order of the Sudder Board of Revenue, North Western Provinces, for the information and guidance of the Commissioners of Revenue.

By Order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Allahabad, 8th January, 1841.

Extract Para. 3 from Extract from a letter from the Secretary to Government in the North-Western Provinces to the Special Commissioner of Meerut dated the 24th December, 1840.

Para. 3.—The course is briefly this; in cases where the claimant may establish by such clear satisfactory legal proof as would be considered sufficient in a case between private parties that the tenure had been held free for two successions previous to 1789, and uninterruptedly since such previous date to the present time, you will record an opinion to that effect. If the case be nevertheless resumable under the law prescribed for your guidance you will defer pronouncing judgment for a certain time, say for six months, or till motion be further made by the Vukeel of Government. A copy of this proceeding will be transmitted by the Vukeel of Government to the Board, and measures will be pursued in consequence which will relieve you from any further embarrassment.

(True Copy and Extract.)

H. M. ELLIOT,
Secretary.

No. 1 A.

REVENUE.

To the Commissioners of Revenue, 1st to 5th Divisions, Delhie, Saugor and Kumaon.

Sends for guidance copy of Government Notification dated 26th December, 1840, directing that all Standing Orders of the Sudder Board and Court be communicated in future only through the medium of the Urdu *Government Gazette*, and that orders, of a mere temporary nature be issued as at present in the form of Circular letters.

I am directed by the Sudder Board of Revenue, North-Western Provinces, to transmit for your information copy of a Notification received from Government, directing that all Standing Orders shall, in future, be communicated only through the medium of the Urdu *Government Gazette*, and that orders of a mere temporary nature shall continue to be issued in the form of Circular letters. You are requested to enjoin particular attention to these orders by the Collectors and Deputy Collectors of the Districts in your Division.

H. M. ELLIOT,
Secretary.

Allahabad, 15th January, 1841.

NOTIFICATION.

The 26th December, 1840.

JUDICIAL DEPARTMENT.

The Honourable the Lieutenant Governor has been pleased to determine, that all the Standing Orders of the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and of the Sudder Board of Revenue, shall be published only through the medium of the Urdu *Government Gazette* and not as heretofore by Circular letters addressed to each individual Officer. The public Officers of the Government are, therefore, requested to take notice that the publication of any such order in the *Government Gazette*, is to be held sufficient promulgation, and is to render the order binding upon all whom it may concern.

2—General call for information, or other instructions of a mere temporary nature, will still be issued by the Sudder Court and Board, in the form of Circular letters and

will not appear in the *Gazette*, such letters will continue to be received and acted upon as heretofore. By Order of the Hon'ble the Lieut-Governor.

(Signed) J. THOMASON,
Secy. to the Govt., N. W. P.

(True Copy)

H. M. ELLIOT,
Secretary.

No. 2 OF 1841.

Circular instructions relative to the new style of account which is to be observed from May, 1841.

Government having been pleased to express their entire concurrence in the views of the Sudder Board, promulgated in their Circular No. III. Paragraph 104, Commissioners are requested to enjoin all their subordinates to be strict in the observance of the new Style from May 1841.

2. All Balances of previous years will continue to be reported according to the Fuslee Year, namely the year of account which was then in use :—but, as by the operation of the present rule, the period from the commencement of the Fuslee Year 1248, to the commencement of the Official Year 1841-42, will belong neither to the one style nor to the other, the Revenue Officers must submit a separate report for the Balances accruing on the Kists of that broken period as soon after its coming to a close as may be practicable.

3. Commissioners will now be required to submit their Annual Balance Statements to the Board on or before the 1st of August following the close of the Official Year reported on, according to the principle laid down in the 178th Paragraph of Circular No. II.

By Order of the Sudder Board of Revenue, North-Western Provinces.

H. M. ELLIOT,
Secretary.

Allahabad, 30th April, 1841.

No. 3 OF 1841.

Rules of practice for carrying out the Provisions of Act I. of 1841.

The new law is applicable in three classes of cases.

1st.—In all Bhyachara estates absolutely, and all that requires notice is that the Collector be careful that the Urz-Irsal, Seeaha, and Wasil Bakee, and Juma Wasil Bakee Tuhseelee, be so kept by the Tuhseeldars, that it can at once be shewn from what recorded puttee the amount is due.

2nd.—The law is also applicable in imperfect Putteedaree, and also in Zemindaree Mehals, so far as the distinct liability of the several sharers, the amount due from each, and the share held by each, have been clearly recorded by them in the administrative record prepared at the time of settlement, as set forth in para. 169 of settlement Circular, page 41.

In these latter cases in order to make the law applicable, the parties must have been in the practice of having their payments carried to the separate accounts at the Tuhseel Office. In other words the demand on each, the payment, and arrear due, must appear from the Urz-Irsal, Seeaha Wasil Bakee, and Juma Wasil Bakee Tuhseelee.

To other cases of Zemindaree and imperfect Putteedaree the Act 1. of 1841 will not apply. Those will remain, as at present, liable to annulment of settlement, and to sale, under Regulation IX. of 1825, and XI. of 1822.

For carrying Act No. 1 of 1841 into effect in the cases in which it may be applicable, the following points should be attended to.

The Tuhseeldars should be held responsible for bringing to early special notice the existence of an arrear, in any kist, against any recorded puttee: which after the usual process of dustuk may remain unliquidated.

On the occurrence of an arrear immediate measures should be taken, as promptness in the application of lighter measures of duress, affords the only remedy against the necessity for recourse to the most severe.

The requisite notice should therefore be at once issued, and measures be taken to transfer the puttee for a term to any solvent putteedar or to give it in farm to a stranger.

The temporary transfer of a puttee may be made under Act I. of 1841, the authority to transfer in perpetuity necessarily implying the power to transfer for any shorter term. Regarding transfer in perpetuity, vide Section 104 of Revenue, and rent Circular, page 173.

Should these measures fail, which if the arrear be small can seldom be the case, the puttee must be advertised and put up at the upset price of the arrear, and sold to the highest bidder above that price.

It is necessary to guard against allowing a puttee or share to be sold for less than the amount of the arrear, as that will give an opening to a system of collusion and fraud on Government.

If the arrear cannot be recovered, either by the transfer, farm, or sale, of the puttee, it will be necessary to proceed against the entire Mouza, or Mehal, as at present.

The object of the law being solely the benefit of the people, by allowing the timely severance of any puttee the proprietors of which should by their misconduct endanger the prosperity of the entire Mouza; it is expected that the other puttees shall act with good faith in return. If therefore any fraud or collusion be established on their part, any attempt to deter purchasers or farmers, and to prevent the recovery of the arrear, such can only be met by enforcing the law against the whole body.

With regard to subsequent arrangements, the object of the Act is to secure the farmer, transferee, or purchaser, full possession, by requiring the former proprietors, who desire to continue as cultivators to execute written engagements for rent, according to the terms agreed on between them and the new owner.

It is however desirable to treat those former proprietors when they behave aright, with due consideration and indulgence. The new owners will generally be found for their own sake willing to give them favourable terms. But if the parties should not agree, and if the purchaser should apply to the Collector to prevent the former owners from cultivating on an allegation of refusal to enter into written engagements; it will be the Collector's duty to endeavour to adjust matters on such terms as to obtain for the old proprietors some indulgence in the rate of rent, in order that it may in no instance exceed the rent paid by resident ryuts of the more favoured class.

This the new owner will probably be always willing to concede; and if this arrangement be effected with the consent of both parties, nothing more is requisite than to cause the exchange of written engagements as required by the law.

But should the parties not agree, and should there be any real doubt as to the fair rent for the fields which the former proprietors hold, and the Collector is unable to bring the parties to a satisfactory agreement on that point; the question must be placed in the hands of a jury of respectable Zemindars of the Pergunnah, chosen by lot, for its adjustment. The punchayut will fix the rate which would be paid by a resident ryut, and the Collector will cause agreements to be exchanged according to the rate thus fixed.

It is distinctly to be understood, that the former proprietors retain no title but that of resident ryuts, to all rules regarding which class of persons they will thenceforth become subject. In case of a temporary transfer, the ousted owners will of course recover their proprietary title with the lapse of the term of transfer. In case of sale the proprietary title lapses altogether.

The Board consider that the principle of the above procedure, consequent on sale, should in like manner govern the arrangements in cases of farm under Act I. of 1841, and Regulation IX. of 1825, that is to say, whether the whole property farmed be denominated Zemindaree, imperfect Putteedaree, or Bhyachara, the favourable terms above described with a further reduction of 5 per cent on the ryutee rates, should be allowed to the cultivating proprietors wherever circumstances admit of the arrangement.

It may occur, that through the collusion and contumacy of the brotherhood, so large an arrear has accrued, that no person will be willing to accept a farm of the Estate even for the full term of 15 years, on the condition of paying up the arrear, if any deduction from the full rate of rent on account of the Insolvent Proprietors be allowed.

In such a case the community must be held to have forfeited their title to indulgence by their own misconduct. It cannot be expected, that in a fairly assessed Mehal, Government should give up any part of an arrear which has arisen from wilful and collusive insolvency.

But if the Collectors act with due promptness in the first instance such cases will be extremely rare.

In all other instances, although the granting a reduction on the ryutee rates, may involve the necessity for lengthening the term of the farmer's lease; nevertheless, when the entire arrear may be recovered by the grant of a lease within the legal term of 15 years, the Board prefer that Pottahs on reduced terms should be given to the cultivating proprietors, unless they should themselves prefer the limiting the lease to a shorter term, instead of the granting favourable rates to themselves.

H. M. ELLIOT,
Secretary.

Allahabad, the 6th July, 1841.

No. 4 of 1841.

The Sudder Board of Revenue, North-Western Provinces, having issued the following order to Commissioners of Revenue direct that it be published for general information.

H. M. ELLIOT,
Secretary.

Allahabad, the 30th November, 1841.

The Sudder Board of Revenue, North-Western Provinces, having received instructions from Government dated 18th ultimo, on the subject of Maufee Tenures, I am desired to communicate the following Extracts with the Board's observations upon them for your guidance.

Para. 2nd of Government Order.

2nd. The Registers of released Maufee holdings have been already prescribed by my Circular of the 3rd September, 1839, No. 28, a certificate in the same Form, both in the English and Vernacular languages, must be given to the holders of released Tenures.

Para. 3rd.

3rd. No. IX. of the Bengal Rules is herewith sent for communication to any Officer in your Division who may be engaged in Maufee investigations.

Paras. 4th and 5th.

4th. Nos. I. III. IV. and VI. of the Bengal Rules are sent for the same purpose. They are strictly to be acted upon in favor of incumbents.

Para. 10th.

5th. Paragraphs 40 and 41, of the Hon'ble Court's despatch of the 21st of April, are also sent for communication to such Officers as may be employed in such enquiries.

H. M. ELLIOT.
Secretary.

Sudder Board of Revenue, N. W. P. Allahabad, the 30th November, 1841.

ANNEXURES.

Extract Para. 2nd, of the Orders of Government, North-Western Provinces, dated 18th October, 1841, No. 1,538.

Extract No. IX. of the Bengal Rules for the disposal of Maufee Tenures.

Ditto Para. 3rd, of the Orders of Government, North-Western Provinces, dated 18th October, 1841, No. 1,538.

Extracts Nos. I. III. IV. and VI. of the Bengal Rules for the disposal of Maufee Tenures.

Ditto Paras. 4th and 5th, of the Orders of Government, North-Western Provinces, dated 18th October, 1841, No. 1,538.

Extract Paras. 40 and 41, of a despatch from the Hon'ble the Court of Directors dated 21st April, 1841, No. 6.

Ditto Para. 10th, of the Order of Government, North-Western Provinces, dated 18th October, 1841, No. 1538.

Extract Para. 2nd, of the Orders of Government, North-Western Provinces dated, 18th October, 1841, No. 1,538.

Para. 2nd. The II of the Bengal Rules provides for the grant of a certificate to every proprietor of a released Maufee Tenure, which shall be a simple and complete bar to all further investigation: no corresponding rule is in force in these Provinces and His Honor desires that it may be introduced. The form should be concise in both the Vernacular and English language, should be duly Registered, and copies of the Register when complete in each district be submitted for the inspection and approval of the Government and for record in the Secretary's office. The Board will be pleased to prepare the necessary instructions for the grant of certificates and formation of Registers and submit them for His Honor's approval.

Extract No. IX. of the Bengal Rules for the disposal of Maufee Tenures.

Rule IX.

In the case of lands held under Badshahee title if the possession since 12th August 1765, in Bengal, Behar and Orissa and since 1791 in Cuttack, be consecutive and uninterrupted, and if the plea for resumption be that the original grantee did not actually and bonâ fide obtain possession of the lands while the grantor exercised supreme power within the territory in which the lands are situate, it will be incumbent on the Government Officer conducting the prosecution to prove the affirmative of such plea. In like

manner subsequent non-resumption by a Government Officer being a condition of the validity of Badshahee grants, the Lakherajdar shall not be required to prove this negative by direct evidence, but of such subsequent resumption the proof of the facts must be exhibited on the part of Government.

Extract Para. 3rd, of the Orders of Government, North-Western Provinces, dated 18th October, 1841, No. 1,538.

Para. 3rd. In No. 9, of the Bengal Rules especial provision is made in certain cases for throwing the onus probandi on the Government Officer and not on the Lakherajdar. No. 6—17 of the Board's Rules accomplish the same end, and indeed in some respects go farther, they are too, more precise and better suited to the circumstances of these Provinces, still the principle contained in the Bengal Rule is not clearly enunciated, and His Honor is desirous that it be so.

Extract Nos. I. III. IV. and VI. of the Bengal Rules for the disposal of Maufee Tenures.

Rule I.

Officers charged with prosecuting claims against Lakheraj Tenures shall not prefer or maintain any suit for lands not exceeding 10 Beegahs which have been held exempt from the payment of revenue or rent without interruption since the 1st December, 1790, provided that in the districts of Chittagong, Sylhet and Cuttack this indulgence shall not extend to such lands except where the produce is bonâ fide appropiated as an endowment for temples or for other religious or charitable purposes, and that in Cuttack the proof of rent-free possession without interruption shall not be required in the cases so excepted beyond the 24th October, 1803, the date fixed by Cap. VII. Section XVIII. Regulation XII. 1803.

Rule III.

In Estates wherein the Government have acquired the proprietary right and which it may be determined by the Revenue Authorities to let in farm, the farmer shall be precluded by the express condition in his engagements, from instituting any process for the resumption of Tenures referred to in Rule I. under the privileges reserved to Zemindars, Talookdars and other Proprietors of Estates with whom a permanent settlement has been concluded.

Rule IV.

If it shall appear in the course of the investigation of any case that the produce of lands the revenue of which is claimed for Government (whether the same has been held since 1790, without interruption or not, and whether exceeding in extent 10 Beegahs or less) has been applied consecutively to religious or charitable purposes or to objects of general utility, it shall be the duty of the Officer prosecuting on the part of Government the claim to Revenue, to report the fact through the prescribed channels for the consideration and orders of the Government.

Rule VI.

Whenever lands may be held under assignment for purposes in themselves permanent and perpetual, and their produce continues to be duly applied to these purposes no benefit shall be taken in the conduct of the prosecution on the part of Government of the provisions contained in Section XII. Regulation III. 1838, under which, strictly construed, the grant though specifying permanent objects might be deemed to be for life, because of the omission of words declaring perpetuity in the grant. But if the grant be specific as a charitable provision for one or more persons,

and not an endowment for purposes in their nature unlimited as to duration it shall be construed strictly according to its terms.

Extract Paras. 4th and 5th of the Orders of Government, North-Western Provinces, dated 18th October, 1841, No. 1,538.

Para. 4th. It is not quite clear how the provisions in Nos. 25—30 of the Board's Rules stand compared with Nos. I. and III. of the Bengal Rules. If the latter are found to act more favorably towards the holders of small Tenures, they ought to be adopted.

5th. Nos. 4 and 6 of the Calcutta Rules are more explicit than No. 32, of the Board's Rules, which appears to be the corresponding clause.

Extract Paras. 40 and 41, of a despatch from the Hon'ble the Court of Directors dated 21st April, 1841, No. 6.

40th. The duties of the Deputy Collectors being partly inquisitorial, and partly judicial, combine great powers, and there is no superior authority to give them advice, or to apply an immediate check to any irregularity or dereliction of duty.

41st. We are besides led to apprehend that the zeal of young servants frequently leads them to suppose that they will recommend themselves to the favor of their superiors, by embracing opportunities of advancing the interests of Government without sufficiently considering, not merely the strict rights, but the fair and legitimate claims of individuals. In India from the character of the relations between the Government and the people it is most particularly incumbent on the public functionaries to exercise great consideration and forbearance in enforcing the claims of Government, and we desire that you will on all suitable occasions impress on our servants and specially on those of the junior branches that we shall always mark with severe displeasure instances of wilful harshness, or obvious negligence, in determining against the people, cases in which Government is a party.

Extract Para. 10, of the Orders of Government, North-Western Provinces, dated 18th October, 1841, No. 1,538.

Para. 10. It is evidently of importance that the Board should be fully apprized of the sentiments of the Home Authorities on the important subject to which my present letter has reference, with this view, I am directed to forward for the Board's consideration the annexed copy of a letter from the Government of India dated August 30th last, with the enclosed despatch from the Hon'ble Court of Directors and the Resolution of the Supreme Government. His Honor directs that a copy of the Hon'ble Court's despatch may be furnished to the Special Commissioner at Meerut and that every Covenanted Officer in the Resumption Department may be immediately supplied with copies of Paragraphs 40 and 41 of that important document. The Lieutenant-Governor has seen cause even in these Provinces to apprehend that the mistaken view of duty so severely condemned by the Honourable Court has sometimes operated to produce harsh and precipitate judgments and therefore deems it right to take this opportunity of expressing his earnest hope that both the Board and the Special Commissioner will assist him to check so injurious a tendency by bringing every instance of its practical exhibition that may come to their knowledge under the notice of Government.

(True Extracts)

H. M. ELLIOT,

Secretary.

No. V. of 1841.

Circular Orders directing that deeds of Auction Sale, whether made in satisfaction of Decrees of Court, or for arrears of Revenue, be invariably engrossed on Stamp paper of the prescribed value, and that the duty thereon be realized from the purchaser together with the purchase money.

The attention of Collectors is hereby called to the Rule contained in the note to Section 19, in Schedule A, of Regulation X. of 1829, and they are directed to see that Deeds of Auction Sale, whether made in satisfaction of Decrees of Court, or for Arrears of Revenue, are invariably engrossed on Stamp paper of the prescribed value, the duty on which should be realized from the purchaser together with the purchase money.

By order of the Sudder Board of Revenue, North-Western Provinces.

H. M. ELLIOT,
Secretary.

Allahabad, 17th December, 1841.

No. I. of 1842.

The reasons which induced the Sudder Board of Revenue, North-Western Provinces, to exclude from summary jurisdiction suits regarding arrears or exaction of Rent in Mafee Estates, having ceased to exist, notice is hereby given that Para. 24 of their Circular Order No. II. is rescinded, and no difference, in respect to the admission of summary suits, shall hereafter be observed between Mafee and Malgoozaree Estates.

By order of the Sudder Board of Revenue, North-Western Provinces.

H. M. ELLIOT,
Secretary.

Allahabad, 7th January, 1842.

No. II of 1842.

Rules of practice for bringing lands to Sale for the recovery of Arrears of Revenue.

1st. The new Law is applicable to all Sales of land, for Arrears of Revenue, whether forming entire Estates, or parts of Estates, as authorized by Act I. of 1841.

2nd. Before pointing out the requirements of the Law and the mode of enforcing them, the Board desire it to be understood that no application to sell lands for an arrear of Revenue will be sanctioned, unless an attempt shall first have been made to recover the arrear by transfer or farm.

3rd. But in order to ensure punctuality of payments, and as far as posssible do away with the necessity of Sale, Collectors are informed that they will be held responsible for applying the milder measures of duress immediately an arrear occurs. The Board attach much importance to this point, as it is the promptness of the application which is essential to success.

4th. In cases of arrears which cannot be recovered except by Sale, Collectors will, if necessary, attach the lands in arrear and apply for permission to sell them, furnishing a statement of the property for Sale in the form subjoined, and taking care to fill in all the required information.

5th. If the Commissioner concurs in recommending Sale, he will at once record his opinion, and forward the statement for the orders of the Board. If, on the contrary, he considers that the arrear can be otherwise recovered, he will dispose of the case himself and instruct the Collector how to proceed.

6th. The sanction of the Sudder Board having been obtained, Collectors will proceed to bring the property to Sale and issue a Notification of Sale in the Collector's Cutcherry setting forth the particulars of the property, the nature and amount of the arrear, the place of Sale, (the Collector's Office in the Sudder station of the District being always named for that purpose) and the date on which it is to be held, which the Board direct may in no case be less than one clear month from the date of Notice. The Sale Notification must also contain a clause warning the defaulter that no payment of the arrear, unless made on or before sunset of the day previous to the day of Sale, will preclude the Sale from taking place at the appointed time.

7th. Collectors will be careful to forward a copy of the Sale notice for publication, in each of the district Civil Courts, in the local Thana or Police Office, and in the defaulting Mouzah, and to obtain a separate receipt for each Sale Notification in the manner required by Section 8 of the Act.

8th. Collectors will bear in mind that no Sale of land, for the recovery of an arrear due to Government, can be legally effected; unless Notification be made, as above required, for a period of fifteen whole days previous to the day of Sale.

9th. A written receipt of the Office in which the Notification is published, and the return of the Peon stating how the Notification has been made in the village of the defaulter, are indispensably necessary as affording the only sufficient evidence of the required publication previous to Sale.

10th. Collectors are therefore required to hold their Office Serishtadars strictly responsible for bringing to notice any irregularity or omission affecting the entireness of the Sale Notification, and for placing the receipts with the the Sale misl, so that the Collector may satisfy himself on the subject before he proceeds to Sale.

11th. If any party other than a proprietor of the defaulting Mouzah come forward, and pay up the arrear, the course prescribed in Section 9, will be followed and the Estate be exempted from Sale. If the arrear be thus liquidated in consequence of any suit then pending, a copy of the Collector's proceeding exempting the property from Sale, should be sent for the information of the Court in which the suit was brought.

12th. If the arrear is not made good within the prescribed period, the Collector will as a matter of course proceed with the Sale at the time appointed, unless, for special reason, otherwise instructed by the Commissioner of the Division, who in that case will report the grounds of exemption for the information of the Sudder Board.

13th. If the arrear cannot be recovered in full by Auction Sale, the Collector will bid for the property and purchase it on account of Government.

14th. The Board desire that Collectors will invariably include in one Statement all the properties of which, at the time of application, Sale is required, arranging them for Sale as required in Section 14 according to the general Register of the District; and will limit the number of Sale days in a year so that there may not be more than one or at most two Sale days for the Rubbee Kists, and the same number for the Khurreef Kists, in balance.

15th. Sections 15 and 16 require a deposit of 25 per cent at the time of Sale, and the payment of the remaining purchase money within thirty days of the day of Sale. In the first case, a defaulter incurs the penalty laid down in Section 32—in the second, besides losing the deposit money, he forfeits all claim to the Estate, and becomes responsible for the difference of price on a re-sale, if less than the sum first bid.

16th. As in the latter instance the defaulting purchaser is declared by reason of his default to forfeit all claim to the Estate, it follows that, in cases of re-sale so occasioned, the property must again be brought to Sale, as in the first instance, on account of the arrear due to Government; the proprietor being entitled to receive any surplus proceeds together with the difference of price, if any, realized from the first purchaser.

17th. For every re-sale Notification must be made, in every respect, the same as required for the first Sale.

18th. In completing the Sale proceeding, Collectors will be careful to make proclamation suspending the payment of rents, for the period, and in the manner, prescribed by Section 17.

19th. On the Sale becoming final, a certificate of title is to be granted to the purchaser in the form given in Section 21, and to be engrossed on stamp paper as enjoined by the note to Section 19, Schedule A, Regulation X. of 1829.

20th. As no Sale, with exception to the cases specially provided for by Section 19, can be set aside unless by appeal to the Commissioner of the Division, and then only on the ground of illegality of procedure contrary to the requirements of the Law, Commissioners will be pleased to submit for the information of the Board a brief but clear report of every case of Sale in which an appeal may be preferred, stating the grounds of appeal and the way in which it has been finally disposed of.

21st. Commissioners will also require and forward to the Board a statement of the sales of land, as soon after they become final as may be practicable, and further forward for each District an annual Sale statement showing the number of Sales in the year, to be prepared according to the subjoined form for each year ending with the 31st December which the Board will expect to receive before the end of the Month of January following.

By Order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Allahabad, 4th February, 1842.

Statement of lands proposed for sale in Zillah ——— for arrears of Revenue.

Pergunnah.	Mehal.	Names of Proprietors and nature of tenure.	Juma.	Particulars of balance.				Collector's report of the balance and reasons for proposing sale.	Remarks by Commissioner.
				Year.	Month of kist.	Amount.	Total.		

Account Sale of lands in Zillah ———— for the recovery of arrears of Revenue in the year 184 *ending with the* 31*st Dec.*

Pergunnah.	Mehal.	Names of Proprietors and nature of tenure.	Jums.	Particulars of balance.				Sale price and date of payment.	Names, place of residence and profession of purchasers.	Date of Sudder Board's authority for sale.	Date of sale.	Date of certificate of sale.	Whether sale was appealed and how disposed of.	
				Year.	Month of kist.	Amount.	Total.							

H. M. ELLIOT,
Secretary.

NOTIFICATION.

Revenue.

Government having sanctioned the following modification of Sections, 5, 8, 15, and 18 of the Rules of practice annexed to Regulation III. of 1828, the new Rules are published for the information and guidance of Officers employed in investigating and deciding on the validity of Rent Free Tenures in the North Western Provinces.

"Rule 1st.—Whenever Appeals against resumption decrees shall be admitted by the Special Commissioners and the Original records of the suits accordingly called for, it shall not be incumbent on any Collector, Special Deputy Collector or any resumption Officer to make a complete copy, as heretofore, of the record, but merely of the documentary proofs, the copies of which together with a *list* of the papers shall be transcribed, compared and signed for retention in his Office previous to transmission of the original record."

"Rule 2nd.—Whereas the replies on the part of Government to the objections or grounds of appeal in resumption cases have been deemed superfluous, it shall not be incumbent, as heretofore, on the Special Commissioners to call for, and the Agent of Government to file replies on the part of Government to such grounds of Appeal. Provided, however, in special instances when new matter of reply is really needed, it shall be competent to the Special Commissioners to call upon the Government Agent for such information as may be required, and the same principle shall be observed whenever individuals are respondents."

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

No. 3 of 1842.

In order to make the public acquainted with the intention to put up Estates to Sale for the recovery of arrears of Revenue under Act XII. of 1841, Collectors are requested to cause notice of Sale to be published in the *Government Gazette*, printed at Agra.

2nd. The notice should be drawn up in the following Form, and a vernacular translation should also be forwarded at the same time for insertion in the *Gazette*.

"Notice is hereby given that the undermentioned Estates will be put up to Auction Sale in the Collector's Cucherry at —— on ——— for the recovery of arrears of Revenue, and sold to the highest bidder above that Amount, unless the arrear be liquidated in full before sunset of the day previous to the day of Sale."

No. of lots.	Zillah.	Pergunnah.	Mouza.	Recorded Ruqba in acres.	Juma.	Balance.
						1841-42. May .. .. 000 June ... . 000 Road Fund.... 00 Tulbana.. 0

By order of the Sudder Board of Revenue, N. W. P.

H. M. ELLIOT,
Secretary.

Allahabad, 1st March, 1842.

No. 4 of 1842.

Collectors required to furnish annual Reports of the Revenue administration of their Districts. The object of the Reports, and the nature of the information required, stated. The reports to be accompanied by observations from the Commissioners.

His Honor the Lieutenant Governor having expressed a desire to be furnished with an annual Report of the Revenue administration for each District in each Division, the following instructions are published by order of the Sudder Board of Revenue, North Western Provinces for the guidance of Commissioners and Collectors.

2nd. The object of the report in question is to bring together the results of the year's operations, and to give the local authorities an opportunity of reviewing the proceedings of the year, of noticing what may be worthy of observation, and of suggesting such administrative improvements as experience may be found to require.

3rd. The Collector's report should be accompanied by a Statement in the form of No. 6, of the appendix to the Printed Circular No. III. shewing how the business of the year has been distributed among the covenanted and uncovenanted Officers of the District.

4th. The points on which information is principally required, are:

1st. The Revenue demand, collections and balances of the year, compared with those of the previous corresponding year, with an abstract of the Dustucks issued, and of the Tulbana realized and disbursed for the same period.

2nd. The number of Estates Sold, let in farm, transferred, or held kham, for the recovery of arrears of Revenue.

3rd. The number of Summary Suits instituted and disposed of during the year.

4th. The number of proprietary mutations registered by order of Court or by private transfer consequent on sale, mortgage, &c.

5th. The number of partitions or Butwaras completed within the year.

6th. The number of lapses or resumptions of Maufee Tenures.

7th. The number of Settlements made of lapsed or resumed Mehals.

8th. State of Canoongoe's and Putwaree's records; whether the Office of Putwaree has been remodelled and established on the footing laid down in Section VII. of the Printed Circular Order No. III. and how far the duties required of Putwarees by that and the following Sections are in course of completion.

9th. Receipts and Balances in the Abkaree and Stamp Department for the past and previous years.

5th. These reports are to be drawn up for the Official year, commencing with 1841-42, and the Board expect to receive them at latest by the 15th August. In forwarding them to the Board, Commissioners are requested to record their own sentiments on the various points indicated in the reports, and generally to furnish such information of a useful nature respecting the administration of the Districts subordinate to their authority as they may be desirous to offer.

By Order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT.

Allahabad, 15th March, 1842. *Secretary.*

No. 5 of 1842.

Conveying instructions how Collectors of Revenue should in future act on receiving requisitions from the Civil Courts to sell land in satisfaction of decrees.

Much inconvenience having arisen from the neglect of Collectors to apprise the Civil Courts of the Proceedings held in the Revenue Department on the receipt of requisitions to sell land in execution of Decrees, I am directed by the Sudder Board of Revenue, North Western Provinces, to request that the following rules may be observed on such occasions.

2nd. Collectors should forthwith acknowledge the receipt of every communication from the Judicial Authorities regarding sales, stating what steps have been taken in compliance with the Court's Order.

3rd. Collectors should report to the Civil Courts the day fixed for Sale, as well as, in case of postponement, the fresh day named for Sale.

4th. Should the Sale not be confirmed, Collectors should report the circumstance to the Court, and when the land is sold notify to the same authority the amount for which it has been sold.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,

Allahabad, 18th March, 1842. *Secretary.*

No. 6 of 1842.

It having come under the notice of the Sudder Board of Revenue, North Western Provinces, that in several Districts the Putwarees have neglected to file the papers of which the preparation is enjoined in Sections VII. and IX. of Circular No. III. Commissioners are desired to use their best endeavours to cause the new system of preparing the Putwarees' Records to be well understood, and thoroughly introduced into all the Districts of their Division.

2nd. If the Putwarees have been found wilfully neglecting their duties, the penalty of dismissal from Office, which is prescribed by the Regulations, should be enforced.

3rd. But in order to ascertain whether the neglect is wilful, the Putwaree should be required to explain the cause of his neglect, and if the blame rest with him, he should be cautioned against a repetition of it, or be dismissed, if his neglect is habitual.

4th. If, however, it should appear on sufficient evidence that the neglect, or omission, arises not from any fault of the Putwaree, but from impediments purposely placed in his way by the Lumberdar, the Collector in that case is bound to punish the party offending, whether proprietor or farmer, by imposing upon him such amount of fine as may be applicable to the case under the provisions of Section 13, Regulation XII. of 1817, as explained and modified by Section 7, Regulation I, of 1819.

5th. The law also subjects a landholder to the disabilities described in Sections 14 and 15, Regulation IX. of 1833, if he neglects from any cause whatever, whether wilful or accidental, to furnish his village accounts as required by authority, and it is the business of the local authorities to see that these penalties are strictly enforced.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,

Allahabad, 22nd March, 1842. *Secretary.*

No. 7 OF 1842.

Whenever Commissioners may consider it expedient to contest a decision given in favor of a Maufeedar against Government, they will be pleased to forward a report of the case to the Sudder Board of Revenue for submission to Government, after satisfying themselves that the tenure is not of a nature to be upheld under the rules now in force for the investigation of rent free tenures.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,

Allahabad, 5th April, 1842. *Secretary.*

No. 8 OF 1842.

It having been represented to the Sudder Board of Revenue, North Western Provinces, that much inconvenience is experienced in the Post Office from the use of sealing wax on public letters, I am directed by them to request that in all the Offices subject to their control the use of wax may be hereafter dispensed with, and gum substituted in its stead. It appears to the Sudder Board that an envelope with an Office Stamp upon the gummed part is as secure against being clandestinely opened as one closed in the ordinary way with wax and the impression of a Seal.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,

Allahabad, 8th April, 1842. *Secretary.*

No. 9 OF 1842.

The Sudder Board of Revenue, North Western Provinces, having been called upon by Government to arrange for the receipt of money collected at Subordinate Post Offices, request that Collectors of Districts will direct their Tehseeldars to receive and grant receipts for all sums which may be sent to them for deposit, and to enter the amount so paid as Post Office receipts in the Tehseel *Seaha Buhee amudanee* and *Wauz Kham* accounts.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,

Allahabad, 12th April, 1842. *Secretary.*

No. 10 of 1842.

The practice, observed in some cases of late occurrence, of inviting for a fixed term of years Farming offers for Estates in arrear being considered objectionable, the Sudder Board of Revenue direct that proclamations threatening annulment of lease, and calling upon solvent sharers and others desirous of entering into farming engagements to come forward and make offers for the defaulting property, may be issued without specifying the term of lease, which can best be settled by subsequent negotiation, for such a period, as, on full consideration of the case, may appear fair and proper, consistently with the interests of both parties.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Allahabad, 24th June, 1842.

No. 11 of 1842.

With reference to the terms of Sections 12, 14, Regulation IX. 1833 and the rules prescribed in Section 7, Circular order No. III, of August 28th, 1840, the Sudder Board of Revenue notify that the provisions of the aforesaid enactment have currency in the Districts subject to their jurisdiction from the dates noted below.

Division.	District.	Date.	Division.	District.	Date.
Delhie ..	Delhie	Oct. 1842.	Agra.....	Mynpoory	Oct. 1841.
	Hissar	Oct. 1842.	Rohilcund..	Shahjehanpor ..	Oct. 1840.
	Rohtuck	Oct. 1842.		Bareilly	Oct. 1840.
	Goorgaon	Oct. 1842.		Bijnour	Oct. 1841.
Meerut..	Allygurh	Oct. 1840.		Suheswan	Oct. 1841.
	Meerut	Oct. 1840.		Pillibheet	Oct. 1841.
	Moozuffernugur ..	Oct. 1841.	Allahabad..	Allahabad	Oct. 1840.
	Boolundshuhur ..	Oct. 1841.		Futtehpore	Oct. 1841.
	Suharunpoor	Oct. 1841.		Cawnpore . ..	Oct. 1841.
Agra....	Agra	Oct. 1842.	Benares ..	Goruckpoor ..	Oct. 1840.
	Etawah	Oct. 1841.		Azimgurh	Oct. 1841.
	Furruckabad.....	Oct. 1841.		Jounpoor	Oct. 1842.
	Muttra	Oct. 1841.			

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Allahabad, 8th July, 1842.

(No. 12 of 1842.)

With reference to documents required by parties having suits before the Courts of Moonsiffs—Authorizes Tehseeldars to furnish applicants with Authenticated Copies of Extracts from the Malgoozaree or other Registers, applica-

It having been brought to the notice of the Sudder Board of Revenue, North Western Provinces, that parties in suit before the Courts of Moonsiffs are inconvenienced by having to apply to the Office, of Collector for copies of documents

tions to be by petition on stamped paper—objections to furnish required documents to be stated on back of petition and forwarded to Collector for Orders, Copies of Revenue records furnished to be on stamped paper and to be authenticated by the Native Officer transcriber, and Tehseeldar of the Division, applications for miscellaneous papers to be made to Collectors—Public notification to the above effect to be made—verification of Copies.

which might readily be obtained from the local Tehseel Office, the Board deem it expedient to authorize Tehseeldars to furnish applicants with authenticated Copies of Extracts from the Malgoozaree or the Proprietary Registers, and generally of all complete Registers in their Office.

2nd. Parties applying to the Office of Tehseeldar for copies of such Records must do so by petition on stamped paper, and should the Tehseeldar see cause to reject the application, he will state the grounds of his refusal on the back of the petition, and forward it without delay to the Collector for Orders.

3rd. Every Copy of a Revenue Record furnished under these Orders by the Tehseeldar is to be drawn out on stamped paper of the value and size specified in Clause 3, Schedule B, Regulation X. of 1829, and is to be authenticated by the Native Officer the transcriber, and by the Tehseeldar of the Division, both Officers being held responsible that the Copy agrees with the original.

4th. Parties applying for copies of miscellaneous papers of every description should be referred to the Collector of the District.

5th. Public notification to the above effect should be made in the offices of Collector and Tehseeldar, and in the Civil Courts of each District.

6th. Collectors must give every facility in their power for the verification of such Copies by comparison with the records of their own office, whenever application to that effect be made, and must certify on the face of the Copy the result of the comparison.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Allahabad, 2nd September, 1842.

No. 13 of 1842.

With reference to paragraph 259 of Printed Circular, No. IV. Commissioners are requested to forward to the Sudder Board of Revenue, at the close of each official year, returns of the amount of Government dues recovered in Pauper Suits during the preceding year in each district of their Division.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Allahabad, 23rd September, 1842.

No. 14 of 1842.

With reference to paragraph 259 of Circular Order No. IV., Commissioners are requested to forward to the Sudder Board of Revenue, North Western Provinces, at the close of the official year, a return for each district of the division showing the amount of Government dues recovered during the year in Pauper Suits.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Allahabad, 30th September, 1842.

No. 16 of 1842.

With reference to Paragraph 129 of Circular No. IV., Revenue and Customs Officers, in forwarding applications, for Superannuation Pensions, are requested to submit a statement shewing specification of Service in the form annexed.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Allahabad, 25th November, 1842.

ABSTRACT.

Forwards a form of Statement, shewing specification of Service to be submitted with applications for Superannuation Pensions.

Specification of Service.	Period of Service.	
	Years.	Months.
Total period of Service.		

NOTIFICATION.

The Sudder Board of Revenue, N. W. Provinces, in conformity with orders* received from the Hon'ble Lieutenant Governor, direct that Commissioners of Divisions and Collectors of Revenue in the N. W. Provinces, alter the 3rd Section of their printed copies of Act X. of 1841, as required by the Government of India in the order of which copy is annexed.

No. 2,550 dated 24th December, 1842.

No. 292.

From Officiating Secretary to the Government of India.

To R. N. C. Hamilton, Esquire,

Secretary to Government of N. W. P.

Fort William, 18th November, 1842.

In the printed copy of Act X. 1841, an error occurs in Section 3, in reference to an Act of the British Legislation. The Act quoted is 3 and 4, William IV. Chapter 35, instead of Chapter 55, of the same Section, which was meant to be quoted. I am accordingly desired to request that, with the permission of the Hon'ble the Lieutenant Governor N. W. Provinces, the necessary correction may be made in the copies furnished for the use of the Government of Agra and its subordinate Officers.

F. J. HALLIDAY,
Officiating Secy. to the Government of India.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Allahabad, 10th January, 1843.

REVENUE PROCLAMATION.

Notice is hereby given that, under the sanction of Government, any appeals in support of claims to hold tenures in the N. W. Provinces, free of assessment, pending before the Court of the Special Commissioner at Patna on the 31st December 1842, will be transferred to the file of the Additional Special Commissioner at Agra; and that no fresh appeals will be received in the former office, in order that its relation to these Provinces may terminate on the date specified.

2nd.—The Sudder Board of Revenue, N. W. Provinces, direct that Collectors of Districts will take measures to publish this information in their respective jurisdictions.

By order of the Sudder Board of Revenue, N. W. P.

H. M. ELLIOT,

Allahabad, 10th January, 1843. *Secretary.*

No. 2 of 1843.

To Commissioners of Revenue, N. W. P.

An instance having been brought to the notice of the Sudder Board of Revenue, N. W. Provinces, in which the Mofussil Cashkeepers of a District were in the habit of keeping back part of the Cash remittances for purposes of private gain, and of replacing the public money, thus withheld, at distant periods, by connivance of the Treasurer of the Collector's Office; Collectors are requested to enforce the practice enjoined by the Appendix, No. 19 of Circular No. III., by causing the Irsal Khazana accompanying every cash remittance to be attested by the Tuhseeldar, Peshkar, Seaha Nuvees and Canoongoe: explaining to the attesting Officers, that they will be held responsible for seeing that the amount of the remittance corresponds with the receipts, and is made over to the Guard for transmission to the Sudder Station.

By order of the Sudder Board of Revenue, N. W. Provinces.

H. M. ELLIOT,

Allahabad, 7th February, 1843. *Secretary.*

No. 5 of 1843.

1. In continuation of their Circular Order No. I[illegible] of 1842, dated July 8th of that year, and with reference to the terms of Sections 12-14, Regulation IX. 1833, and the rules prescribed in Section 7, Circular Order No. III. of August 28th, 1840, the Sudder Board of Revenue notify that the provisions of the aforesaid enactment will have currency in the Districts subject to their jurisdiction noted below, from and after the 1st October next.

Division.	*District.*
Dehlee,	Paneeput.
Meerut,	Deyrah Dhoon.
Rohilcund,	Moradabad.
Allahabad,	Humeerpoor.
	Calpee.
	Banda.
Benares,	Mirzapoor.
	Benares.
	Ghazeepoor.

2. The Board take this opportunity of impressing upon all subordinate Authorities the importance of having these papers carefully prepared and punctually filed.

3. Till they have been filed in the form prescribed by the Board for the preceding Fussly year, no suit for rent can be heard either by the Collectors or the Judges. It is, therefore, incumbent upon the Collectors to point out to all Malgoozars the necessity of filing the papers, and at the same time to afford every possible facility for so doing, by publishing the forms and pointing out the way in which the papers are to be drawn up.

4. The Board have now ascertained by actual experience in several districts that, in securing the punctual preparation of these papers, there is no difficulty which ordinary diligence will not overcome.

5. The Putwaree's Establishments are understood to have been placed on an efficient footing at the late Settlement, not by rash and indiscriminate changes in the old establishments, but by careful adaptation of their number to the requisite work, and by judicious selection of the best qualified to fill the several posts. Where this has been imperfectly done at the time of settlement, the Collector should immediately supply the defect, and afford the Putwarees that instruction in the nature of the duties intrusted to them, without which it will be in vain to expect efficiency.

6. Collectors will impress upon the Tuhseeldars and Canoongoes the importance of requiring the papers as soon as ever the collections of the Current Fussly year in each village have closed, and the village accounts have been adjusted. The papers should be compiled as much as possible in the village amongst the agricultural community, and every facility afforded to all persons concerned, whether proprietors or tenants, cultivators or non-cultivators, to examine the record, and ascertain how its entries bear on their own interests. Every such person should be allowed at any time to inspect the papers either in the hands of the Putwarees, afterwards in the Tehseeldar's office, or finally when lodged in the Collector's Sudder Office.

7. A few cases assumed at random from each Tuhseeldary should always be examined in the Sudder Office and compared with the settlement record, if for the year immediately following settlement, or else with the preceding year's papers. The variations in the one from the other should be shown in the last column of the Jumabundee (No. 1.), or in its proper place in the Melan Khurch, (No.2.), or in the Register of Mutations (No. 7.), —Any errors in form, or any want of agreement, should be immediately pointed out to the Pergunnah Officer, that the error may in future be avoided.

8. The greatest readiness should be shown to listen to all complaints of wrong entries in the Putwaree's papers. Such complaints are cognizable, as being against Putwarees under Regulation XII. 1817. They are readily adjusted, because little more is generally requisite than a reference to the preceding year's record. Where local inquiry is necessary, it should be conducted through the Tuhseeldar.

9. In all suits regarding fields, whether for rent, replevin, dispossession or otherwise, the numbers and area of the fields should be shown, either at the foot of the plaint, or on a separate memorandum signed by the Putwaree, and attached to the plaint. Nothing will tend more than this to convince the people of the importance of having the numbers of their fields accurately entered in the Putwaree's papers.

10. In all butwarrahs made hereafter under Regulation XIX. 1814, Collectors will be careful, either that the old numbering of the fields is maintained, or else that a new Khusreh map is formed, and the Khutteonee and Teerij and Khewut papers so arranged at the time of partition as to form the basis for a new series of Putwaree's papers.

11. The Board trust that in the districts now named, as well as those mentioned in their former Circular, all the papers for 1250 Fussly, will be filed by October 1st, 1843.

By order of the Sudder Board of Revenue, N. W. Provinces.

H. M. ELLIOT,

Allahabad, the 21st March, 1843. *Secretary.*

No. 6.

1st The Board find it necessary to call the attention of all Revenue Officers to the importance of the change in the system which has resulted from the postponement of the Government demand enforced by the orders contained in paragraphs 5 and 6, Circular Order No. II. and in paragraph 104, Circular Order No. III.

2nd. The former principle of collecting in these provinces was to maintain the lien of Government primarily on the crop. That has now been relinquished, and the only lien maintained is that on the other property, personal or real. The Collector was formerly empowered to place watchmen (Shaeenas) on the crops, and not to allow of the removal of the produce of the land, till satisfactory arrrangements had been made for the liquidation of the Government demand. This course has now been strictly prohibited. The agriculturist is allowed to cut and sell his crop, and then he is required from his proceeds to make good the just dues of the Government.

3rd. All other of the authorized processes for the realization of the Government revenue are in force, and it only requires promptitude and discrimination on the part of the Collector to render them effectual. That process, which will realize the Government demand with the least delay and with the least expense and detriment to the Malgoozars, is the process which the Collector should adopt, and in this his judgment must be exercised, and his efficiency will be shown.

4th. The processes, recognized by the Regulation for the realization of the demand of Government, are the following:

1. Dustuks.
2. Personal Imprisonment.
3. Distraint of Personal property.
4. Kham Tuseel.
5. Transfer to a Putteedar of a defaulting Puttee.
6. Farm to a Stranger of the defaulting Puttee, or of the whole Mehal.
7. Sale of the defaulting Puttee or of the whole Mehal.

Precise rules have been laid down for the issue of Dustuks in Section 3, Circular Order, No. II. Ordinarily the Dustuk is a mere notice to pay.

5th. In case of first default, two or three such notices should be issued, but if the default is habitual, and the circumstances of the case well known, prompt recourse to more stringent measures may be necessary, and the expense of even a single Dustuk may be avoided. If the issue of two or three Dustuks be not sufficient to cause payment of the demand, endeavour should then be directed to bringing the defaulters themselves, or at least the Putwaree before the Collector, and making a full discovery of the circumstances of the case. For this purpose Dustuks should be issued to such number and in such manner as may be necessary.

6th. The mode in which the discovery is to be made, whether through the Tehsildar, by his own instance, or under orders from the Collector, or by the Collector himself, is another point on which the exercise of a sound discretion is necessary.

There are few things more to be deprecated than the unnecessary interference of a Tehsildar in the affairs of a village community. When there is no balance, this interference must be strictly prohibited. When the Mehal is in balance, the Tehsildar may be the fittest instrument to investigate the cause of the default, but the Collector is bound to provide that this be only done to such an extent and in such a mode, as may be necessary for the attainment of the desired object. When the investigation is conducted through the Tehsildar, his opinion should always be required as to the best course to be subsequently pursued.

7th. When a full discovery has been made of the cause of default, discrimination must then be shown in assuming the subsequent course of proceeding. The legislature has left a large discretion to the Revenue Officers, and nothing can relieve them from the obligation, to exercise this discretion with care and judgment. No precise rules can be laid down for guidance in this respect. It is only necessary to point out where the discretion exists and give a few instances of its exercise, and then to require of all subordinate officers that, in each case where they recommend to the adoption of their superiors one or other of the discretionary courses, they at the same time explain clearly the ground on which their recommendation rests.

8th. A distinction should be made between default arising from embezzlement of the Government Revenue, and from deficiency of assets. The former is to a certain degree an act of dishonesty, and more so in the eyes of Natives of this country, than of Europeans. To counteract it, measures of a punitive nature are warrantable and a severe course may be adopted. On the other hand, the necessity of making good the demand of Government even when the assets are insufficient, is a peculiarity arising out of our system and should be treated with consideration.

9th. Great efforts have been made to form a fair and easy settlement of the land for a long period; but disastrous seasons and the idleness, mismanagement, or misfortunes of individuals will cause occasional deficiency, which must be made good from the redundancy of other years. If the defaulter be not possessed of credit or capital, this must lead to a temporary or entire transfer of the property by act of the party, or operation of the law. The Collector must see that this is effected in the way and to the degree which the nature of the case requires.

10th. As a general rule, personal imprisonment and distraint of personal property are objectionable modes of proceeding. They should not be adopted except when the means of payment are known to exist, and when there is good reason to believe that prompt satisfaction of the demand will ensue.

11th. Kham Tuhseel is not likely to be successful, except where capabilities of the Estate are well known, and the Collector finds himself competent to realize the whole amount. Where the assessment is light, the village community large and turbulent, and the default arises from the disputes of the proprietors, it is frequently the best mode of dealing with the case, more especially where a surplus above the Government demand can be obtained and withheld from the defaulters as the penalty of their default.

12th. Transfer to a Putteedar is always preferable to the farm or sale of a portion of an estate, because it tends to preserve the rights of the community. Cases, however, may arise in which the sale of a whole estate is preferable to its farm, and in such cases the former course should be promptly adopted. Thus, for instance, when the proprietor has mortgaged away free of Government Revenue so many of the fields in the Mehal, that the residue are not sufficient to meet the demand of the State. In such an event, the proprietor is evidently ruined, and the best thing that can be done is to bring the estate to sale, which will create a new and perfect title in the purchaser.

Whatever may be the cause recommending the sale of an Estate in the first instance, it is only necessary that, in the proposal to the Board for sanction, it be clearly stated.

13th. In extreme cases of adverse seasons, a temporary suspension of the Government demand may be necessary, but the necessity should be admitted with caution, and such a course should not be recommended without the strongest grounds. Where the forbearance of the Government in prosperous seasons has caused the accumulation of capital, and formation of large fortunes, it is fair that in adverse seasons, this stock should be drawn upon to make good a temporary deficiency. Recommendations of this sort must rest therefore on the poverty of parties, as well as the misfortunes of the season.

By order of the Sudder Board of Revenue, N. W. Provinces.

H. M. ELLIOT,

Allahabad, 4th April, 1843. *Secretary.*

No. 7 OF 1843.

With reference to a Circular Order issued by the Sudder Dewanny Adawlut, North Western Provinces, No 631, dated 31st March, 1843, Collectors are to consider themselves authorized, whenever a decree-holder shall fail for the period of six weeks in any process necessary to the execution of his decree, to strike the case off their file, without previous reference to the Judge by whom execution has been ordered, reporting their proceedings for the confirmation of the Civil Court.

By order of the Sudder Board of Revenue, N. W. Provinces.

H. M. ELLIOT,

Allahabad, 21st April, 1843. *Secretary.*

No. 8 OF 1843.

As the Court of Sudder Dewanny Adawlut have stated it as their opinion, that the execution of the decrees of the Judicial tribunals will be much expedited by conferring on Collectors authority to issue second advertisements of sale, without reference to the Civil Court, in the event of no bidders appearing on the first exposure of the property to sale; Collectors are hereby informed of the enlargement of their powers in this respect, under direct authority from the Sudder Dewanny Adawlut, and are requested to conform thereto on all future occasions, by allowing a period not exceeding one month, and not less than 15 days, to intervene between the first and second days of sale.

By order of the Sudder Board of Revenue, N. W. Provinces.

H. M. ELLIOT,

Allahabad, the 27th June, 1843. *Secretary.*

No. 9 OF 1843.

With a view to remove existing doubts as to the description of landed property to be sold in certain cases under Act VIII. of 1835, the Sudder Board of Revenue are pleased to call the attention of Collectors to Clause 7, Section 15, Regulation VII. of 1799, and the corresponding enactments of Clause 7, Section 14, Regulation V. of 1800, and Clause 7, Section 32, Regulation XXVIII. of 1803, and to point out to them that, as thereby enacted, all subtenures paying rents and constituting a transfer-

able property, may be brought to sale for arrears of rent adjudged to be due therefrom in course of summary suit.

2nd. The law is therefore considered to have special reference to estates, held mostly in Bhyachara or Putteedaree tenure, consisting of two or more subtenures, each charged with its own proper share of the village expenses and Government jumma; the two forming a demand which, if withheld in part or altogether, can be enforced by no other process, so far as the Revenue Authorities are concerned, than by summary suit at the instance of the village Lumberdar.

By order of the Sudder Board of Revenue, N. W. P.

H. M. ELLIOT,
Secretary.

Allahabad, the 11th August, 1843.

No. 10 of 1843.

The Sudder Board of Revenue, North Western Provinces, having received from Government an application for a superannuation pension, which had been forwarded direct by a Commissioner of Revenue, they request that all Officers will in future submit to them every application of this kind belonging to the Revenue Department.

By order of the Sudder Board of Revenue, N. W. Provinces.

H. M. ELLIOT,
Secretary.

Allahabad, the 5th September, 1843.

ABSTRACT.

Revenue Pensions to be applied for through the Board.

NOTIFICATIONS.

Commissioners are requested to forward to the Sudder Board of Revenue copies of the District Meteorological Registers at the close of every month; and, in submitting statements of arrears for remissions, they should make reference to the Registers, particularly in cases in which such returns are calculated to elucidate the cause of Balance.

H. M. ELLIOT,
Secretary.

Allahabad, the 12th September, 1843.

Government having been pleased to determine that the possession of land by an Uncovenanted Deputy Collector is to be considered a disqualification for office within the District in which such land is held, Commissioners are requested to instruct their subordinates accordingly, and to report to the Sudder Board of Revenue the names of those Uncovenanted Deputy Collectors who, under the terms of this order, should be removed to other Districts.

2d. The future acquisition of land by Uncovenanted Deputy Collectors in any District is strictly prohibited.

H. M. ELLIOT,
Secretary.

Allahabad, the 15th September, 1843.

No 12 of 1843.

In sending up applications respecting the sale or disposal of lands, the property of Government, Collectors are requested to state clearly the nature of the right of Government, and the mode in which it has been acquired, in the lands which may form the subject of reference.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Camp Moorutgunj, Zillah Allahabad, dated 27th October, 1843.

ABSTRACT.

Sale or disposal of Government Lands.

Collectors are requested to state distinctly, when sending up applications, the nature of the Government right, and the mode how acquired.

No. 13 of 1843.

The Honorable the Lieutenant Governor having directed that the Rule respecting references made in public letters to previous correspondence, enjoined in the annexed Circular Order of the Government of India, be adopted in the Revenue Department of these Provinces, the Sudder Board request that the same be strictly observed by all Officers subordinate to them.

By Order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Agra, 8th December, 1843.

CIRCULAR No. 999 of 1843.

To——————

The Governor General in Council directs that hereafter all servants of the Government, who may have occasion to refer in their letters to any numbered paragraphs of letters received, will in the Margin state briefly the substance of the several paragraphs to which they so refer.

2nd. Every letter should as far as possible be made intelligible in itself without reference to any other document for the elucidation of its meaning, and great inconvenience to the public service besides that of delay may occasionally arise from the letter containing the paragraphs referred to, not being within the reach of the person to whom the letter making such reference is addressed.

(True Copy.)

(Signed.) W. EDWARDS,
Under Secy. to the Govt. of India.

(True Copy.)

H. M. ELLIOT,
Secretary.

Fort William, the 28th October, 1843.

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES.

CUSTOMS.

(No. 10.)

To Commissioners of 1st to 5th Divisions, Delhie, Saugor and Kumaon.

In continuation of my letter, No. 2, dated the 25th February last, on the subject of refund of stamp fees, levied on Petitions, &c., I am directed by the Sudder Board of Revenue, North-Western Provinces, to inform you that the Sudder Dewanny Adawlut, have thought fit to cancel the thrid paragraph of their Circular order, No. 184, dated the 6th December 1839, of which a copy was therewith forwarded.

2. A copy of the Court's present Circular is annexed for your information, and for communication to the Collectors.

H. M. ELLIOT,
Secretary.

Allahabad, 21st July, 1840.

ANNEXURE.

Copy of Circular letter No. 1,060 of 29th May, 1840.

(No. 1060.)

To the several Zillah and City Judges, in the North-Western Provinces.

Paragraph 3rd of the Circular of the Sudder Dewanny Adawlut, No. 184, dated 6th December, and issued 16th January last, appearing calculated to induce the inference that the Civil Courts are not to forward to the Collector the Stamp paper on which the Petition of Plaint is written in cases adjusted by razeenamah, unless expressly called for by that Officer, I am directed to inform you, that it was not meant thereby to alter or disturb the practice of transmitting to the Collector's Office, the original petitions of Plaint on all occasions of a refund being ordered, which is in force under existing

Circular Orders, and to request, therefore, that you will consider the final paragraph of the Circular, No. 184, above referred to, as cancelled.

M. SMITH,
Offg. Register.

Allahabad, 29th May, 1840.

(No. 11.)

To the Collectors of Customs, Agra, Allahabad, Mirzapore, and Deputy Collector of Bundlecund.

Forwards for circulation to Patrols Lithographed copies of para. 3rd of Government Orders dated 18th July, 1840, regarding the rule to be observed when dutiable Articles are found with the followers of Native Chiefs passing through these Provinces.

I am directed by the Sudder Board of Revenue, North-Western Provinces, to transmit Lithographed copies of the 3d paragraph of the orders of Government, No. 973, of the 18th ultimo, with annexures, containing the rule to be observed respecting dutiable articles found with the followers of Native Chiefs when passing through these Provinces, and to request that a copy may be supplied to each Patrol of your Establishment.

H. M. ELLIOT,
Secretary.

Allahabad, 7th August, 1840.

Extract paragraph 3rd, from a letter from the Secretary to the Lieutenant-Governor, North-Western Provinces, dated 18th July, 1840, *to the address of the Sudder Board of Revenue, North-Western Provinces, No.* 973.

The annexed copy of the orders of the Government of India, in the General Department, No. 50, dated the 24th ultimo, with its enclosures, will make known to the Board the arrangement which has now been sanctioned and to which they are requested to give currency in supersession of the former orders of May 16th, and October 13th, 1834. Corresponding instructions will be issued to the Political Authorities subordinate to this Government.

COPIES.

(No. 50.)

To J. THOMASON, Esq.

Secy. to the Hon'ble the Lieut. Govr. for the N. W. P.

I am directed by the Right Hon'ble the Governor General in Council, to acknowledge the receipt of your letter No. 701, dated the 16th ultimo, transmitting copy of a Correspondence with the Commissioner of Agra, relative to the seizure of a quantity of Opium, in the possession of the followers of the Raja of Shapoor, proceeding on a pilgrimage to Gya, and requesting to be furnished with Copies of any orders which the Supreme Government in its Political capacity, may deem necessary to issue on the subject to the Agents of the Governor General.

2nd.—In reply, I am directed to transmit to you, for the information of the Hon'ble the Lieutenant Governor for the North-Western Provinces, the accompanying copy of an extract from the proceedings of the Government of India, No. 69, in the Political Department under date the 15th instant, communicating copy of a circular order issued from the department to the Residents, Commissioners, and Political Agents, and enjoining, that the Officers of the Customs Department may be instructed to hold

the Purwanahs which may be granted by the Residents &c. as sufficient warrant for passing any articles specified therein.

G. A. BUSHBY,
Secy. to the Govt. of India.

Fort William, 24th June, 1840.

(No. 69.)

Extract from the proceedings of the Right Hon'ble the Governor General of India in Council, in the Political Department, under date the 15th June, 1840.

To Residents, Commissioners, Political Agents to the Governor General, &c.

With reference to the seizure of a quantity of Opium in the possession of the followers of a Native Chief, proceeding on a pilgrimage into our territories, lately brought to the notice of the Supreme Government, I am instructed by his Lordship in Council to request that you will, in all cases of Chiefs, or any other personages, coming into our territories for such a purpose, apprize the Custom House Authorities through which they may pass, by a separate letter, whenever you may grant a Rahdaree Purwanah, with any such detail appended to it, of articles liable under the general rules, to be regarded as contraband, but for which you may for reasons of courtesy be desirous of securing an exemption from seizure or confiscation.

H. TORRENS,
Offg. Secy. to Govt. of India.

Fort William, 15th June, 1840.

Ordered, that a copy of the foregoing letter be furnished to the General Department, in reply to their Extract, No. 112, dated 3rd instant, in order that the Officers of the Customs Department may be instructed to hold Purwanahs by the Residents, Commissioners, and Political Agents, as sufficient warrant for passing any articles specified therein.

(True Extract.)
H. TORRENS,
Offg. Secy. to Govt. of India.

(No. 13.)

To the Commissioners of 1st to 5th Divisions, and Delhi, Saugor, and Kumaoon and Collectors of Government Customs of Delhi, Agra, Allahabad, Mirzapore, and Deputy Collector of Bundelcund.

Transmits copy of Correspondence with the Board of Customs, Salt and Opium, regarding the transit of "Kharee Noon" which is allowed to proceed in future under passes either from the Allahabad Custom House or the Ghazeepore Collector as the place of export may be above or below Allahabad.

* Board's letter to Board of Customs Salt and Opium No. 5, 14th July.
Reply No. 697, 5th August.

I am directed by the Sudder Board of Revenue, North-Western Provinces, to transmit for your information and guidance, copy of a Correspondence* with the Board of Customs, Salt and Opium, regarding the transit of Kharee Noon, which is allowed to proceed, in future, under passes either from the Allahabad Custom House, or the Ghazeepore Collector, as the place of export may be above or below Allahabad.

H. M. ELLIOT,
Secretary.

Allahabad, 21st August, 1840.

(No. 5.)

To the Secretary to the Board of Customs, Salt and Opium.

I have the honour, by direction of the Sudder Board of Revenue, North Western Provinces, to forward herewith copies of Correspondence regarding the seizure of a boat laden with Kharee Noon, the property of Messrs. Teil and Co., of Calcutta, and to request that it may be brought before the Board of Customs, Salt and Opium for their consideration.

2.—The Board believe that the course that will give the least trouble to those who export Kharee from these provinces above Allahabad will be for them to have the Salt examined and get a certificate from the Custom House at Allahabad, that it is Kharee Noon, and not taxable, that can be countersigned on the patrols' application by the Collector at Ghazeepore, or a similar certificate given for any such salt produced below Allahabad; and if the Board of Customs, Salt and Opium, will then give orders that it may pass to Patna unmolested, there will be no difficulty.

3.—The Sudder Board will be glad to be favoured with the opinion of your Board on this subject.

H. M. ELLIOT,
Secretary.

Allahabad, 14th July, 1840.

(No. 697).

To the Secretary of the Sudder Board of Revenue, Allahabad.

I have the honor, by direction of the Board of Customs, Salt and Opium, to acknowledge the receipt of your letter, No. 5, under date the 14th ultimo, with its enclosure, relative to the seizure at Ghazeepore, of a boat laden with Kharee Noon, and suggesting a mode by which much inconvenience to the exporters of this article from the Western Provinces may be obviated.

2.—In reply, I am instructed to state, that this Board fully concur in the expediency of the suggestion of your Board, viz. that the traders in Kharee Noon, should be provided with passes either from the Allahabad Custom House, or the Ghazeepore Collector, as the place of export may be above or below the former station. Once passed Ghazeepore, there is no fear of the transit being molested. It will not be questioned between that place and Patna, and at Patna it will be allowed to pass as usual.

W. BRACKEN,
Acting Secretary.

5th August, 1840.

(No. 15.)

To Commissioners of Divisions, Nos. 1 to 5, Delhi, Saugor and Kumaon.

With reference to my Circulars No. 6, dated the 2nd August, No. 7, dated 17th September, and No. 10, of the 4th October, 1839, I am directed, by the Sudder Board of Revenue, North-Western Provinces, to request that you will direct the Collectors to certify on the face of the statement furnished by the Courts to the parties entitled to a refund of the stamp duty, that they have ascertained the value of the stamp to be of ——— amount, and that they have refunded Rupees ——— in compliance with the Court's orders.

Circular order directing that the Collectors be enjoined to certify on the face of the statement furnished by the Courts to the parties entitled to a refund of stamp duty, the value of the stamp, and the amount which has been refunded in compliance with the Court's order, the receipt of the parties being always taken on the back of the Court's statement.

2.—The amount should always be mentioned in both cases, as the amount to be refunded does not always correspond with the value of the stamp.

3.—The receipt of the party entitled to the refund should be invariably taken on the back of the Court's statement.

H. M. ELLIOT,
Secretary.

Allahabad, 2nd October, 1840.

(No. 21.)

To Commissioners of Divisions, Nos. 1 *to* 5, *Delhie and Kumaon.*

Transmits Table, shewing the periods fixed by the Sudder Board for collecting the Revenue demand of the Districts in the Division.

With reference to Section 1, paragraphs 3 to 13, of the printed Circular Order, No. 2, and paragraph 104, of Circular No. 3, I am directed by the Sudder Board of Revenue, North-Western Provinces, to transmit for your information and guidance, a copy of the Table, shewing the periods fixed by the Board for collecting the Revenue demand of the Districts of your Division.

H. M. ELLIOT,
Secretary.

Allahabad, 25th September, 1840.

Table shewing the periods fixed by the Board for collecting the Revenue Demand of the Districts in the North-Western Provinces.

Division.	District.	KIST BUNDIES.				
		First Kist.	*Second Kist.*	*Third Kist.*	*Fourth Kist.*	*Fifth Kist.*
Dehlee, ...	Bhuttee, ...	15th May	15th June	15th November	15th December	
	Panneeput, ...	15th May	15th June	15th November	15th December	
	Hurreeanah, ...	15th May	15th June	15th October	15th December	
	Dehlee, ...	15th May	15th June	15th November	15th December	15th February.
	Rohtuc, ...	15th May	15th June	15th November	15th December	
	Goorgaon, ...	15th May	15th June	15th November	15th December	
Meerut, ...	Deyrah Dhoon, ..	15th May	15th June	15th November	15th December	
	Suharunpore, ...	15th May	15th June	15th November	1st January	1st March.
	Moozuffurnugger, .	15th May	15th June	15th November	15th December	15th February.
	Meerut, ...	15th May	15th June	15th November	15th December	15th February,
	Boolundshuhur, ..	15th May	15th June	15th November	15th December	
	Ally Gurh, ...	15th May	15th June	15th November	15th December	
Kumaoon,	Kumaoon, ...	15th May	15th June	15th November	15th December	
	Gurhwall, ...	15th May	15th June	15th November	15th December	
Rohilcund,	Bijnour, ...	15th May	15th June	15th November	15th January	15th February.
	Moradabad, ...	15th May	15th June	15th November	15th December	15th February.
	Budaon, ...	15th May	15th June	15th November	15th January	15th February.
	Pillibheet, ...	15th May	15th June	15th December	15th January	
	Bareilly, ...	15th May	15th June	15th November	15th December	15th February.
	Shahjehanpoor, ..	15th May	15th June	15th November	15th January	15th February.

Table shewing the periods fixed by the Board for collecting the Revenue Demand of the Districts in the North-Western Provinces.

Division.	District.	KIST BUNDIES.				
		First Kist.	*Second Kist*	*Third Kist.*	*Fourth Kist.*	*Fifth Kist.*
Agra, ...	Muttra, ...	1st May	1st June	15th November	15th December	
	Agra, ...	1st May	1st June	15th November	15th December	
	Furruckabad, ...	1st May	1st June	15th November	15th December	1st February.
	Mynpoorie, ...	1st May	1st June	15th November	15th December	1st February.
	Etawah, ...	1st May	1st June	15th November	15th December	
Allahabad, .	Cawnpoor, ...	1st May	1st June	15th November	15th December	15th February.
	Futtehpoor, ...	1st May	1st June	15th November	15th December	
	Humeerpoor, ...	1st May	1st June	15th November	15th December	
	Calpee, ...	1st May	1st June	15th November	15th December	1st February.
	Banda, ...	1st May	1st June	15th November	15th December	
	Allahabad, ...	1st May	1st June	15th November	15th December	1st February.
Benares, ..	Goruckpoor, ...	1st May	1st June	15th November	15th January	
	Azimgurh, ...	1st May	1st June	15th November	15th January	
	Jounpoor, ...	1st May	1st June	15th November	15th December	1st February.
	Mirzapoor, ...	1st May	1st June	15th November	15th December	1st February.
	Benares, ...	1st May	1st June	15th November	15th December	1st February.
	Ghazeepoor, ...	1st May	1st June	15th November	15th December	1st February.
Saugor, ...	Saugor.	Pending reference.				
	Jubbulpoor,.....					
	Hooshungabad, ..					

H. M. ELLIOT,
Secretary.

Sudder Board of Revenue, N. W. P.
Allahabad, the 25th September, 1840.

No. 5 OF 1841.

Some inconvenience having lately arisen from an insufficient supply of stamps in Collectors' Offices, they are hereby enjoined to guard against a deficiency of store, by making their requisitions for supply in good time, and they are informed that they will be held responsible for proper regularity and precaution in this respect.

By order of the Sudder Board of Revenue, North-Western Provinces.

H. M. ELLIOT.
Secretary.

Allahabad, 26th November, 1841.

No. 2 OF 1842.

With reference to Paragraph 129 of Circular No. IV, Revenue and Customs Officers, in forwarding applications for Superannuation Pensions, are requested to submit a statement shewing specification of Service in the form annexed.

By order of the Sudder Board of Revenue, North-Western Provinces.

H. M. ELLIOT,
Secretary.

Allahabad, 25th November, 1842.

ABSTRACT.

Forwards a form of Statement, shewing specification of Service to be submitted with applications for Superannuation Pensions.

Specification of Service.	Period of Service.	
	Years.	Months.
Total period of Service.		

No. 1 of 1843.

STAMPS.

The Sudder Board of Revenue consider it expedient that persons employed to vend stamps, should adopt an uniform system of writing the endorsement. Collectors are, therefore, desired to direct the stamp venders to enter the following particulars on the back of every stamp paper sold, and to record them, either in the Oordoo language and Persian character, or Hindee language and Mahajunee character.

PARTICULARS OF ENDORSEMENT.

Number and price of stamp. English date, both of sale and delivery. Sumbut date mittie, and day of the week. Name of purchaser and place of abode. Place of sale. Signature of vender.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,

Allahabad, the 20th June, 1843. *Secretary.*

No. 3 of 1843.

STAMPS.

The Hon'ble the Lieutenant Governor having directed that the following rule be observed in the North Western Provinces, the same is published for general information.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,

Dated Agra, the 1st December, 1843. *Secretary.*

* "Rule *in modification of Clauses* 4 *and* 5 *of the Rules regarding the Superintendence of the Stamp Revenue and the powers of the Board and Revenue Commissioners" prescribed in the Resolution of the Government, dated* 4*th of August,* 1829."

*. Extracted from a letter from the Offg. Secy. to the Govt. of Bengal in the Sep. Dept. to the Offg. Secy. to the Govt. of India, dated 26th April, 1843, No. 131.

"The authority vested in Commissioners of Revenne by the 4th and 5th Clauses of the "Rules regarding the Superintendence of the Stamp Revenue and the powers

of the Board and Revenue Commissioners," prescribed in the resolution of the Government, dated the 4th August, 1829, is hereby transferred to the Superintendent of Stamps to which Officer references by Collectors or other functionaries in charge of this branch of the Revenue regarding the affixing of Stamps to unstamped or inadequately stamped documents shall be made. Collectors or other functionaries aforesaid on the presentation of such documents to be stamped, are required to levy the penalty to which they consider them liable, in addition to the value of the Stamp, or the difference of value when the document bears a stamp of inadequate amount, the documents are then to be transmitted to the Superintendent of Stamps, who, if he concurs in the award of the Collector or other Officer by whom the documents have been transmitted, will cause them to be properly stamped and returned immediately to that Officer. If the Superintendent shall see cause to differ from the Collector in opinion in regard to the amount of the stamp to be charged, or the penalty to be awarded, he shall without delay refer the proceeding of the Collector and the reasons for his difference of opinion with that Officer to the Board of Customs, Salt and Opium, whose decision shall be final. In cases which come by this Rule, under the cognizance of the Board of Customs, Salt and Opium, where decision of the Collectors, shall be modified or reversed by that authority, the Collector will refund any sur-charges, or levy any additional penalty, according to the award recorded by the Board. The Board shall nevertheless continue in the exercise of the power with which it is vested by clause 5 of the Rules, that are hereby modified to remit penalties in excess of the Government duty, whenever under the circumstances established before that authority, a party subjected to a penalty shall appear to be a fit object for the mitigation thereof."

(True Copy)

H. M. ELLIOT,
Secretary.

ABKAREE NOTIFICATION.

Agra, the 19th December, 1843.

The following Rules regulating the Sale, for consumption in these Provinces, of spirits manufactured according to the European process at any Licensed Distillery belonging to Messrs. Saunders, Barron and Co., are with the sanction of Government published for general information; and are to have immediate effect, subject to such conditions and alterations as may from time to time be deemed requisite.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Rules regulating Sale for Local consumption of Spirits manufactured in the North-Western Provinces by Messrs. Saunders, Barron and Co.

I. Messrs Saunders, Barron and Co., are allowed to sell spirits manufactured by them, to persons in any Station in the Upper Provinces, who are able to produce a written order of the Collector of the District in which they reside, authorizing the purchase of not less than eight gallons of Rum from any Distillery worked by that Firm after the European manner.

II. A duty of eight annas per gallon shall be paid by Messrs. Saunders, Barron and Co., before the spirits leave the Distillery.

III. The written order under which the spirits are purchased, when countersigned by the Collector in whose District the Distillery is situated, in testimony of payment of the prescribed duty, shall be deemed a sufficient pass to protect the spirits while in transit; and spirits so protected shall not be liable to questions, or to the payment of further duty.

IV. Before granting the written order for purchasing spirits, Collectors of Districts shall be careful to ascertain, that the retail sale will not interfere with the business of the resident venders.

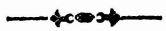
H. M. ELLIOT,
Secretary.

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES.



No. 94.

To all Officers in charge of Revenue and Political Treasuries (except Bithoor) in the North-Western Provinces.

At the suggestion of the Accountant General at the Presidency, I beg to enjoin for your observance in future that on occasions of application being made to you for the refund of the amount of a Bill previously drawn by you upon any Treasury, whether of Bengal or of the North Western Provinces, you will be pleased to refer the application for the sanction of this Office previously to complying with it:—a contrary practice being considered inconsistent with the principle that no Public Officer shall permit the Disbursement of Public Money without distinct authority, and being liable to create inconvenience to the Treasury into which the value of the Bills had been paid under special authority or General Order, in the event of the Bills tendered for cancellation being individually or collectively of heavy amount.

2nd. The above rule is however not intended to apply to Sepoys' Remittance Bills which are generally for small amounts, and which may be cancelled as heretofore without previous sanction; nor to Bills issued to Bankers or Shroffs under the special sanction of this Office, when they are returned to their negociators with a certificate from the Treasury upon which they were drawn of their not having been honored for want of assets or other causes. Instances of refunds of the last mentioned kind will of course be of rare occurrence; but they should be immediately reported to this Office in order that a proper explanation may be obtained from the Officer dishonoring the Bills, who should also report to this Office the circumstances of the case, and be careful that he does not on frivolous or insufficient grounds throw discredit upon the negoci-

ation of a public Treasury when he is satisfied of the genuineness of the instrument or draft.

Accountant's Office, N. W. P.,
Agra, the 16th October, 1840.

E. H. MORLAND,
Offg. Accountant, N. W. P.

(No. 96.)

To all Executive Officers in charge of Public Works, Roads and Canals in the North-Western Provinces excepting the Superintendent of the Agra and Bombay Road.

Much inconvenience being experienced in this Office from the receipts given by Executive Officers to Collectors on account part payments of assignments held by them, not indicating whether such Assignments were issued by the Superintending Engineer in the Civil or Military Department;—I have to request the favour of your making it an invariable practice in future to insert the words "Civil Department" or "Military Department" (as the case may be) at the head of your receipts; and thereby obviate the possibility of advances connected with the last mentioned Department, which are debitable to the Bengal Presidency, being erroneously carried to the debit of the Civil Department, the charges of which, with few exceptions, are debitable to the North Western Provinces.

2nd. You will also be pleased to make a similar distinction when paying over into a Collector's Treasury the amounts saved upon Estimates of Works executed at a less cost than was estimated, or below the amount of advance received for the work; and, any other amounts which you may have occasion to make over to the Revenue Treasury, should be accompanied by a memorandum showing the specific object of the payment and the Department to which it should be placed in account.

3rd. I request further, with a view to obviate delays in the adjustment of your Accounts Current (whether half yearly or final), that you will furnish the same in future direct to this Office, transmitting at the same time a duplicate thereof for record in the Office of the Superintending Engineer to whom you are subordinate.

F. O. WELLS,
Accountant, N. W. P.

Accountant's Office, N. W. P.
Agra, the 27th December, 1840.

(No. 97.)

To all Officers in charge of Revenue Treasuries in the North-Western Provinces.

With a view to a clear exhibition of the income and expenditure connected with Nuzool Property existing in the North Western Provinces, I have to request that you will in future adopt the following arrangements, which have received the sanction of Government, in your public accounts.

2nd.—All receipts from Nuzool Property, such as rents of Houses, Shops, and Trees, or the sale proceeds of the produce of Nuzool gardens, tanks, &c., which property appertain to the Local Agency instituted under Regulation XIX. of 1840, are to be credited in your Treasury Accounts under a head of "Local Agency Fund," subordinate to, "to Revenue Deposits," and are to be held at the disposal of the Local Agents of your District.

3rd.—All disbursements from the Fund, such as charges of collection and other authorized appropriations of the income of the Fund are to be made upon the Bills of the Local Agents, countersigned by the Commissioner of the Division, and to be charged to the Fund per contra.

4th.—Both the receipts and disbursements under this subordinate head of Deposits must also be exhibited in a Memorandum at the foot of the Monthly Treasury Accounts, in precisely the same manner as is prescribed for those appertaining to the 1 per cent. "Road Fund," in the Circular of the Sudder Board of Revenue of the 18th September, 1838.

5th.—Should any part of the proper income of the Local Agency Fund have been credited to profit and loss in your accounts of the past months of the Current Official Year, I request that you will in your next account transfer the same by a debit per contra to the head prescribed in the 2nd paragraph of this letter, giving in the debit entry a detail of the items transferred with references to the monthly accounts in which they had previously been credited, and citing the date and authority of this letter for the charge by transfer.

Accountant's Office, N. W. P.,
Agra, 18th February, 1841.

F. O. WELLS,
Accountant, N. W. P.

(No. 98.)

To all Officers in charge of Revenue and Political Treasuries, in the North-Western Provinces.

With reference to a communication made to me by the Accountant General at the Presidency, dated the 4th instant, I beg to state for your information, that, in pursuance of Government Orders of the 17th November last, the Treasuries of the Assistants subordinate to the Hazareebagh Agency have been rendered independent of each other; and, that the Assistants to the Governor General's Agent stationed at the places named in the margin* are authorized to grant Bills upon other Treasuries, and to honor those that are drawn upon them by other Officers in charge of Treasuries.

* Hazareebagh.
Lohardanga.
Maunbhoom.
SingbhoomColeban.

2. You are accordingly authorized to honor all Bills drawn under the general rules in force upon your Treasury by the Agent's Assistants, and to draw similar Bills upon their Treasuries, debiting and crediting the amounts of such Bills to the head "Bills payable of the Revenue Department," subordinate to the Bengal Presidency, in your Treasury accounts.

Accountant's Office, N. W. P.,
Agra, 13th March, 1841.

F. O. WELLS,
Accountant, N. W. P.

(No. 100½.)

To all Judges in the North-Western Provinces.

There being no means of ascertaining from the credits afforded in your Cash Accounts for Sale proceeds of the property of persons dying intestate, the Orders of Government under which such Sale was effected, I have the honor to request that you will in future cite the dates of the Government Orders authorizing the Sale and shew the net amount appertaining to each distinct party in separate entries, under the head "To Sale of unclaimed property."

Accountant's Office, N. W. P.,
Agra, the 16th April, 1841.

F. O. WELLS,
Accountant, N. W. P.

(No. 101.)

To all Officers in charge of Revenue and Political Treasuries in the North-Western Provinces.

At the request of the Accountant General, in the Military Department at the Presidency, I have the honor to acquaint you, that the Revenue Accountant's Circular, No. 232, of 20th January, 1816, to Collectors of Land Revenue, directing the issue of Bills to European Officers, referring to the accommodation of Bills on account of Family Remittances, is not applicable to the payment of their pay and allowances, which must be by Bills *at sight*, as prescribed in the Military Department by Minutes of Council, dated 22nd August, 1796. You will therefore, be pleased carefully to observe this distinction, and to issue Drafts *at sight* when applied for by Pay Masters of Her Majesty's Regiments or of the Company's Troops, for pay and allowances of Officers and men absent, on leave or on duty, from the Head Quarters of their Regiments.

Accountant's Office, N. W. P.,
Agra, 29th April, 1841.

F. O. WELLS,
Accountant, N. W. P.

(No. 103.)

To all Officers in charge of the Revenue Treasuries.

I have the honour to annex for future adoption in your Office, Form No. 1 of an Annual Comparative Statement of Juma which has received the sanction of Government, and to request that you will by the 1st proximo, prepare and forward to this Office, a return drawn out in the accompaying form for the past official year 1840-41.

2nd. As the date of the authority of Government must be cited for "Increase" and "Decrease" arising from alterations of Settlement, you will see necessity for the utmost caution in making alterations in your Rent Roll by which the Government demand shall be either increased or abated.

3rd. The safest course to follow, when raised settlements are depending, or pending the confirmation of Government, in which the demand may be proposed for reduction, is, not to abate the Juma but to hold the amount of proposed reduction suspended in the balance, till the revised Juma is sanctioned when the amount in balance can be written off as a remission in your Juma Wasil Baqee or Baqee Towjee Account, under either the special sanction of Government or under the orders confirming the reduced Juma. In like manner when the revised Settlement may give an increase to the existing Juma of any Pergunnah or Mouzah, the amount increase should not be brought upon the Rent Roll before the new Settlement has received the confirmation of Government. The amount increase may however be realized and carried to the credit of Government in your Treasury Account, under profit and loss as "Surplus Collections not included in the Towjeeh," care being taken in the credit entry to specify the name of the Mouzah and Pergunnah and the year for which the Surplus was realized, that in the event of the increase not being finally sanctioned, there may be no difficulty in ascertaining the excess collections with a view to the same being proposed for refund to the parties.

I request, in conclusion, that the present return may be invariably drawn out upon Foolscap Paper to preserve an uniformity of size in the Books of this Office, and punctually forwarded by the 1st of June of each year.

Accountant's Office, N. W. P.,
Agra, 13th May, 1841.

F. O. WELLS,
Accountant, N. W. P.

No. I.

Annual Comparative Statement of Juma or Demand of the District of for 1839-40 and 1840-41.

Juma of 1839-40.	Juma of 1840-41.	Annexations from other Districts.	Transfers to other Districts.	Increase from alterations of Settlement.	Decrease from alterations of Settlement.
1	2	C. 3	D. 4	A. 5	B. 6
12,00,000	14,00,000	10,000	7,000	1,97,000	

Explanation.

A. Memo. of actual Increase.

Names of Pergunahs.	Date of authority of Govt.	Amount Increase.		
Banawallah.	"	67,000	0	0
Raneeah.	"	20,000	0	0
Futteeabad.	"	50,000	0	0
Sirsa.	"	60,000	0	0
	Total.	1,97,000	0	0

B. Memo. of actual Decrease.

Names of Pergunahs.	Date of authority of Govt.	Amount Decrease.	

C. Annexations.

From what District.	Names of Pergunahs.	Date of Govt. authority.	Amount Juma.		
Futtehpoor. ..	Korah.	"	5,000	"	"
Etawah.	Koonj.	"	2,700	"	"
Cawnpoor.. ..	Canoje.	"	2,300	"	"
			10,000	"	"

D. Transfers.

To which District.	Names of Pergunahs.	Date of Govt. authority.	Amount Juma.		
Agra. ...	Furrah. ...	"	2,000	"	"
Mynpoorie.	Chubramow. ,	"	1,000	"	"
Muttra. ...	Kosee.	"	4,000	"	"
			7,000	"	"

Collector's Office, the 184 *Collector.*

(No. 104.)

To all Officers in charge of the Revenue Treasuries.

The accompanying Form No. 2, of an Annual Pergunahwarree Kistbundee account having received the approval of Government, I have the honor to request that you will henceforward adopt it in your Office; and furnish me at your earliest convenience with a Return drawn out in this form for the current official year.

2nd.—The columns for months in which no kists fall due must necessarily be left blank: but the aggregate amount of each column or month which possesses a kist, should ordinarily agree with the kist column of your Hal Towjeeh account for the same month, and therefore a correspondence will be expected between the kists entered in this Return, and those exhibited in your Monthly Towjeehs.

3rd.—The last column should indicate the total demand of each Pergunah for the official year, and their aggregate embrace the entire demand of your District as per existing Settlements.

4th.—The present Return should be prepared annually at the commencement of each official year, and forwarded to this Office, drawn out on a sheet of Foolscap Paper, by the 15th of the first month of each new year for the said year.

5th.—I beg hereby to cancel my Circular No. 22, dated 10th February, 1836, which called for a Kistbundee account according to each Fuslee year, the latter Return being no longer required.

F. O. WELLS,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, 15th May, 1841.

(No. 105.)

To all Officers in charge of the Revenue Treasuries.

Government having been pleased to sanction the annexed Form No. 3, of a Hal Towjeeh or Monthly Account of Demands, Collections and Balances for the current year's Revenues, I have the honor to request that you will henceforward adopt it in your Office, commencing with the current month, and forward the Return to this Office with punctuality on the 10th of each succeeding month, drawn out upon Foolscap paper.

2. The Form is sufficiently clear, yet I beg to observe, that as the Land Revenue accounts are now to commence and terminate with each official year, the first figured column under "Demand," will, in the May Towjeeh, be necessarily blank, the Net balance on the 30th April being carried to the Buqaya Towjeeh of the succeeding official year. The next or kist column will be blank or otherwise as there may or may not be a kist falling due within the month in your District.

3. The first column under "Collections" must include all the realizations during the month on account of the past kist or kists in balance, and on account of the current kist if any is due; but not any collections made in anticipation of an ensuing kist, as such collections are to be distinctly shewn in a memorandum at the foot of the Towjeeh. In the second column should be indicated any collections which may have been made in anticipation in the preceding month on account of the current kist.

4. You will observe, that it is not deemed necessary to shew more than the gross balance in the Towjeeh accounts, reserving the exhibition of the remissions and Net balances for your Annual Juma Wasil Bakee account. Hence you will perceive, that no remissions for a current year's balance can be carried into effect before April the closing month of each year; and that consequently no diminution of balance on this account can be admitted during the progress of the year.

5. The explanatory arrangement of the Net balance heretofore given in the Hal Towjeehs is to be dispensed with in the Returns forwarded to this Office.

F. O. WELLS,
Accountant N. W. P.

Accountant's Office, N. W. P.,
Agra, 17th May, 1841.

No. III.

Hal Towjeeh or Monthly Account of Demands, Collections and Balances for the current year for the month of May 184 .

Names of Tehsildary Divisions.	Names of Pergunah.	Demands. Net Balance at the close of the last Towjeeh.			May Kist.			Total Demand.			Collections. Collections from 1st to 31st May 184 .			Add surplus Collections in the preceding month on account of the present demand.			Total collections on account of the present demand.			Gross balances		
Huzoor Tehsil. .	Agrowah.	,,	,,	,,	50,000	0	0	50,000	0	0	49,000	0	0	,,	,,	,,	49,000	0	0	1,000	0	0
	Behul, ...	,,	,,	,,	25,000	0	0	25,000	0	0	19,000	0	0	,,	,,	,,	19,000	0	0	6.000	0	0
	Barwallah.	,,	,,	,,	75,000	0	0	75,000	0	0	75,000	0	0	,,	,,	,,	75,000	0	0		0	0
	Total.	,,	,,	,,	1,50,000	0	0	1,50,000	0	0	1,43,000	0	0	,,	,,	,,	1,43,000	0	0	7,000	0	0
Hissar.	Futteabad.	,,	,,	,,	50,000	0	0	50,000	0	0	48,000	0	0	,,	,,	,,	48,000	0	0	2,000	0	0
	Sirsa.	,,	,,	,,	75,000	0	0	75,000	0	0	74,500	0	0	,,	,,	,,	74,500	0	0	500	0	0
	Total.	,,	,,	,,	1,25,000	0	0	1,25,000	0	0	1,22,500	0	0	,,	,,	,,	1,22,500	0	0	2,500	0	0
Hansi.	Hansi.	,,	,,	,,	25,000	0	0	25,000	0	0	25,000	0	0	,,	,,	,,	25,000	0	0	0	0	0
	Raneah.	,,	,,	,,	50,000	0	0	50,000	0	0	50,000	0	0	,,	,,	,,	50,000	0	0	0	0	0
	Total.	,,	,,	,,	75,000	0	0	75,000	0	0	75,000	0	0	,,	,,	,,	75,000	0	0	0	0	0
	Grand Total Co.'s Rs.	,,	,,	,,	3,50,000	0	0	3,50,000	0	0	3,40,500	0	0	,,	,,	,,	3,40,500	0	0	9,500	0	0
		In the May Statement this will always be blank.			This will always be filled from the column for that month in No. 2.						This added to the surplus collections will correspond with the entry in the Treasury account.									To be carried forward to next month.		

Memorandum of surplus collections in the present month on account of ensuing Kist, viz :

Tehsildary Divisions	*Pergunahs.*			
Huzoor Tehsil	Agrowah....	2,000	0	0
	Behul.	4,000	0	0
	Barwallah..	1,500	0	0
	Total...	7,500	0	0
Hissar.	Futteabad..	3,000	0	0
	Sirsa.	1,000	0	0
	Total.	4,000	0	0
Hansi.	Hansi.	5,000	0	0
	Raneah.	5,000	0	0
	Total.	10,000	0	0
	Grand Total Co.'s Rs.	21,500	0	0

Collector's Office, the June, 184

Collector.

(No. 106.)

To all Officers in charge of the Revenue Treasuries.

I have the honor to annex Form No. 4, of an Annual Juma Wasil Baqee or account of Demands, Collections, and Balances of Land Revenue for an official year, which, having received the sanction of Government, I request you will henceforth adopt in your Office in substitution of the Form heretofore in use; and forward a Return for the past official year 1840-41, drawn out in this Form, upon a sheet of foolscap paper, at your earliest convenience. A similar Return should in future be forwarded for each official year by the 30th of the succeeding month of May.

2. This Statement, which, in fact, is the authorized Rent Roll of a District, in an Abstract Form, and intended to present the results of the fiscal management of the year, is too well known to require any lengthy remarks.

3. I beg, however, to observe, that the aggregate of demands should invariably agree with the Juma for the year indicated in your comparative statement of Juma, and ordinarily also with the aggregate demand shewn at the commencement of the year in your Kistbundee account, with which there will be an agreement, except when the year's demand is affected by giving effect to a settlement, which, during the progress of the year, has been confirmed by Government.

4. The collections should also correspond with the current year's Revenue, brought to credit in your Treasury accounts for the twelve months of the year.

5. There must also be a correspondence between the gross balance exhibited in this Statement, and that shewn in your Hal Towjeeh account for the month of April, the closing month of each year.

6. Under remissions should be included only such balances as have during the year been remitted under the sanction of a Government Order, the date of which should always be cited opposite the item, as well as any permanent remissions that may exist in your District, which require to be annually written off in your Juma Wasil Baqee account.

7. You will observe that on the back of this Statement, the particulars of the remissions charged are to be entered in detail, giving the amount pertaining to each Mouza, with the circumstances under which the remissions were sanctioned, such as drought or other calamity of season, Gungshikist, &c.

8. I beg to add, that the Net balance shewn in this Statement, is to be carried forward into the 4th figured column of the succeeding year's Buqya Towjeeh account.

9. The Abstract Pergunnahwaree Juma Wasil Baqee account, according to the Fuslee year prescribed by my Circular, No. 64, dated 26th September, 1838, being no longer required, I beg hereby to cancel those instructions.

F. O. WELLS,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, 19th May, 1841.

No. IV.

Abstract Pergunahwaree Juma Wasil Bakee or account of Demands, Collections and Balances of Land Revenue of the District of from May, 184 to April, 184 .

Names of Thehsildaree Divisions.	Names of Pergunnahs.	Juma or Demands of the year 184 -4			Collections from May 184 to April 184 .			Gross Balance.			Remissions. Date of authority of Government.	Remissions. Amount of Remission.			Net Balance on the 30th April 184 .			Explanatory arrangement of the Net Balances. Immediate train of liquidation.	Expected by distraint or a sale of land.	Suspended by authority.	Remaining balances.
Huzzoor Tehsil,	Agrowah, ..	2,00,000	0	0	1,50,000	0	0	50,000	0	0	May 184 .	5,000	0	0	45,000	0	0				
	Behul, ...	1,00,000	0	0	98,000	0	0	2,000	0	0	"	0	0	0	2,000	0	0				
	Barwalla, ..	3,00,000	0	0	2,80,000	0	0	20,000	0	0	May 184 .	2,000	0	0	18,000	0	0				
	Total, ..	6,00,000	0	0	5,28,000	0	0	72,000	0	0	"	7,000	0	0	65,000	0	0				
Hissar, ..	Futteabad, ..	2,00,000	0	0	2,00,000	0	0	0	0	0	"	0	0	0	0	0	0				
	Sirsa, ...	3,00,000	0	0	2,50,000	0	0	50,000	0	0	May 184 .	10,000	0	0	40,000	0	0				
	Total, ..	5,00,000	0	0	4,50,000	0	0	50,000	0	0	"	10,000	0	0	40,000	0	0				
Hansi, ..	Hansi, ...	1,00,000	0	0	90,000	0	0	10,000	0	0	"	0	0	0	10,000	0	0				
	Reneah,.. ..	2,00,000	0	0	2,00,000	0	0	0	0	0	"	0	0	0	0	0	0				
	Total, ..	3,00,000	0	0	2,90,000	0	0	10,000	0	0	"	0	0	0	10,000	0	0				
	Grand Total Co.'s Rs.	14,00,000	0	0	12,68,000	0	0	1,32,000	0	0	"	17,000	0	0	1,15,000	0	0				

Will agree with last column of Kistbundy.

Will agree with total of Land Revenue in the Treasury account.

MEMORANDUM OF REMISSIONS CHARGED DURING THE YEAR 184 -4

Name of Pergunah.	Name of Mowzah	Date of authority of Government.	Amount.			Circumstances under which sanctioned.

(No. 107.)

To all Officers in charge of the Revenue Treasuries.

The accompanying Form, No. 5, of a Buqaya Towjeeh or Annual Statement of Demands, Collections and Net Balances, on account of past year's arrears of Land Revenue having received the sanction of Government, I have the honor to request that you will henceforth adopt it in your Office, and furnish me with a Return drawn out in this Form for the past official year 1840-41, upon Foolscap paper.

2. In explanation of this Statement I beg to state, that the balances to be entered in your past year's Statement for the periods noted in the margin* in the three first figured columns, are the Net Balances which were exhibited for those years in your Buqaya Towjeeh for 1839-40: but in the fourth figured column as "Balance of 1839-40 on the 30th April 1840," I request that you will insert the Net Balance of your Hal Towjeeh for April 1840, and in future years exhibit in this column the Net Balance of your Juma Wasil Baqee account for the preceding year.

* Account years.
Antecedent to 1245 F. S.
Account 1245 F. S.
Account 1246 F. S.

3. Under collections after exhbihiting the realizations of balances on account of the periods already indicated in the margin from 1st May, 1840, to 30th April, 1841, in their appropriate columns, you will be pleased to shew in the column "on account 1839-40," all the recoveries made during the above-mentioned period on account of the Balance for that year as shewn in your Hal Towjeeh for April 1840.

4. The Gross Balances on the 30th April 1841, will, of course, be the amounts remaining for each year after deducting the collections from the demands.

5. Under remissions should only be included such balances on account of past years or periods included in the Statement, as may have been remitted under the sanction of a Government Order issued between the 1st May 1840, and the 30th April 1841, (or during the year for which the Return is framed,) and the date of Government Order cited opposite each item. I beg to add here, that no permanent remissions, that is remissions of a prospective and standing character, which are chargeable from year to year, can be entered in this Return, as such remissions ought properly to be entered in the Annual Juma Wasil Baqee account.

6. As in the Juma Wasil Baqee account so also on the back of this Return, a memorandum must be entered, affording the particulars of the remissions charged therein during the official year. Should the particulars be very lengthy, you will be pleased to give the memorandum in a separate sheet of Foolscap paper attached to this Statement. These memorandas, subjoined to your Juma Wasil Baqee and Buqaya Towjeeh accounts, will under unnecessary the transmission of the "Annual Statement of Remissions entered in the Hal and Buqaya Towjeehs and in the Juma Wasil Baqee accounts" heretofore furnished to this Office in a separate Form.

F. O. WELLS,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, 21st May, 1841.

(No. 109.)

To all Officers in charge of Revenue Treasuries in the Meerut, Agra, Rohilkund, Delhie and Allahabad Divisions, excepting the Collector of Allahabad.

The Government having been pleased to establish a Bullion Depôt and Assay Office at the seat of Government, I have the honor to request, that you will in future consign your remittances of short weight Rupees and Rupees of sorts to Agra, addressed to J. Dodd, Esquire, Bullion Depôt and Assay Master, instead of as heretofore to the Mint Master at Calcutta.

2. The Bullion Depôt and Assay Master will, after receiving and examining or assaying your remittances, furnish you with a certificate of their outturn, which will enable you to adjust their amount by corresponding charges against that Officer in your accounts.

3. These remittances to Agra will, of course, be accompanied by invoices in the prescribed form heretofore in use, and the instructions conveyed in my Circular of the 2nd October, 1837, respecting the mode of checking the receipt of remittances, should also be duly attended to: but, in making these remittances of uncurrent Coins care must be taken not to make calls upon the Military for especial escorts for this purpose. Opportunities of escorts will frequently occur in the moving of treasure from one Treasury to another, or by reliefs; and they should be taken advantage of to forward towards their destination all accumulations in your Treasury of Coins of a non-issuable character, whenever they amount to a sum sufficient to fill a box, or have been in deposit for more than six months.

4. The Collectors of Allahabad, and of the districts under the Benares Division, will, as heretofore, make their remittances of uncurrent Coins to the Calcutta Mint as opportunities offer for escort, and by the passing of the Government Steamers.

F. O. WELLS,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, 30th June, 1841.

(Circular No. 110.)

To all Officers in Charge of Revenue and Political Treasuries in the North Western Provinces.

It being of importance that this Office should be kept informed of the course of exchange existing between neighbouring districts as well as between distant Provinces, in order that it may be able, as occasions arise, to direct the purchase or negociation of Bills of Exchange for purposes of Remittance, when rates are favourable, and the exigencies of the service may warrant a recourse to such means, in preference to specie Remittances; I have the honor to request, that you will punctually, on the last day of every week, forward to this Office an advice in the annexed form, shewing the Bills actually issued from your Office, during the week, on other Treasuries with the rates of exchange, in favour of Shroffs or Soukars; and the rates of exchange existing in the market of your district for or against Bills or Hoondees on other places, with which Bill transactions ordinarily take place.

2nd. To this weekly return, on the reverse, I beg that you will be pleased to add, the various Gold and Silver Coins whether of our or native mintage which circulate in the money market of your district, with their intrinsic and exchange value

compared with and computed in Company's Rupees. When you are unable to give the *intrinsic* value of any coin it will suffice to give, besides its proper designation, the date and place of its mintage and the supposed intrinsic value.

(Signed) C. GRANT,
Offg. Accountant, N. W. Provinces.

Accountant's Office, North-Western Provinces,
Agra, the 4th September, 1841.

Weekly advice of Bills drawn by the Collector of *upon other Treasuries in favor of Shroffs or Soucars from the 1st to the 6th of* 184 *. and of the existing course of exchange between this district and other places—*

No. and date of Bills.		Upon what Treasury drawn.	Amount of Bill in Co's. Rupees.	Amount received into the Treasury.	Rate of exchange for or against Government.	REMARKS.
25	4th	Dehlie, ...	10.000	9.900	1 ℘ cent discount, ..	Accountt's. letter of No.
29	6th	Agra, ...	5.000	5.050	1 ℘ cent premium, ..	Ditto of No.
31	,,	Benares, ...	25.000	25.000	at par, ...	Ditto of No.

Market Rates of Exchange in the district of *as they stood from the 1st to the 6th of* 184

On		1st	2d	3d	4th	5th	6th
		℘ct.	℘ct.	℘ct.	℘ct.	℘ct.	℘ct.
Calcutta, ...	On Collector's Bills Premium.	2 4	2 4	2 2	2 2	2 4	2 6
	On Soukar's Bills ditto.	2 8	2 8	2 6	2 6	2 8	2 10
Benares, ...	On Collector's Bills discount.	.. 12	.. 12	.. 12	.. 10	.. 10	.. 10
	On Soukar's ditto ditto.	1 ..	1 ..	1 ..	.. 15	.. 14	.. 14
Agra,..	or, such other places with which Bill or Hoondee negociations ordinarily take place, care being taken to shew when Bills are at a discount and when at a premium.						
Furruckabad, ...							
Lucknow, ...							
Dehlie, ...							
Indore, ...							

A. B.
Collector,

Collector's Office,
The 6th of 184

Statement of Gold and Silver Coins in Circulation in the Money Market of the district of with their intrinsic and exchange value from 1st to 6th 184—

Designation of Coins.	When and where coined.	Intrinsic Value of 100 pieces in Co.'s Rs.			Exchange value of 100 pieces in Co.'s Rupees.			Remarks.
GOLD COINS.	.. ..							
Double Mohurs Cos.	.. ..	3000	..	..	3150	..	..	The Stock in the market is not abundant: but the demand is fair at the exchange value.
Single ditto ditto.	.. ..	1500	..	..	1600	..	..	
½ ditto ditto.	.. ..	1000	..	..	1050	..	..	
¼ ditto ditto.	.. ..	500	..	..	550	..	..	
Calcutta Sicca Mohurs.	19 Sun, ...	1706	4	..	1900	..	..	In fair demand.
Furruckabad ditto.	45th ditto, ...	1600	..	..	1700	..	..	Ditto.
Jypore Mohurs.	24 Sun, Jypoor.	1515	8	..	1545	..	..	In good demand.
Lucknow ditto old.	Muchleesahy,	1477	8	..	1500	..	..	In fair demand.
SILVER COINS.								
Furruckabad Rs. Cos.	45 Sun, ...	100	2	3	100	..	..	In good demand.
Ditto New Standard.	Regulation XI. of 1819,	100	2	3	98	7	..	Not in demand, but in circulation.
ditto present ditto	Regn. VII. of 1833,	100	..	..	100	..	..	Much in circulation
Company's Rupees.	.. ..	100	..	..	100	..	..	In good demand and coming into circulation.
Furruckabad Rs. old.	39 Sun old native currency.	97	1	2	99	..	..	In free circulation at the exchange valuation.
Gwalior Rupees.	.. ..	97	12	..	98	..	..	Supply small, demand limited.

A. B.
Collector,

Collector's Office,
The 184

(Signed) C. GRANT,
Offg. Accountant, N. W. P.

(No. 111.)

To all Officers in charge of Revenue and Political Treasuries in the North-Western Provinces.

It not being practicable at present to ascertain from the *Cash Balance Reports* furnished to this office how much of the Balance, in the several Treasuries, consists of the straight milled Rupees and how much of the smooth-rimmed description, (the former coined under Reg. XI. of 1819 and the latter under Reg. VII. of 1833), I request you will so far modify the form of Cash Balance Report appended to Mr. Accountant Wells' Circular letter of the 24th March, 1836, as will admit of your exhibiting both under "*Available Balance*" and "*Short weight* Rupees *not re-issuable*" the several descriptions of Furruckabad Rupees in separate items, so that at one view the Report may shew the tale and value of the different sorts in your Treasury at the end of each month.

2nd.—I request also, that you will particularly enjoin on your Treasury and Tehsildaree establishments to receive all descriptions of Government coins which are current in these Provinces at their proper value, when tendered in payments of Government dues and for drafts on other Treasuries, that is Furruckabad Rupees at par, when their loss of weight by abrasion does not exceed 2 pie per Rupee or 1 : 0 : 8 per cent; but when their deficiency in weight exceeds this rate, they are to be received only by weight as bullion without seignorage charge and not by tale; and Company's Rupees at par, so long as their loss of weight by abrasion does not exceed 2 per cent; but when their deficiency in weight exceeds this per centage, they also are to be received by weight as bullion without seignorage, and not by tale. You will be good enough also to make this injunction generally known in your district, particularly in its principal markets and to the malgoozars.

3rd.—It has come to my knowledge that Tehseeldars often refuse to receive the two descriptions of Furruckabad Rupees, known as the diagonally milled and straight milled, except on the payment of one or two per cent, without any reference either to their weight or to their value. Sometimes the Malgoozars, to avoid the heavy discount exacted at the Tehseels, exchange their Furruckabad Rupees at the Bazar rate of Bhata for Company's Rupees, which they pay into the Tehseels. In this case the Tehseel Treasurers appropriate to themselves the Company's Rupees, and replace them with Furruckabad's, gaining of course the Bhata—they find it their interest therefore to keep such Rupees in circulation, as every time they are returned to the public Treasury they are subjected to the same exaction. You are therefore further requested to make it generally known that the Government coinages are not subject to any rate of discount; but that they are receivable, when within the weight at which they are re-issuable, at par with their standard: and when they become so light in weight as to exceed the deficiency allowed by the Regulations, they are still receivable by weight for what may be their actual value relatively to their standard.

4th.—I request further, that you will invariably adopt the following order in issuing the several kinds of current coins, in payments on account of Government, from the Treasuries under your control (both Sudder and Mofussil)—1st, Company's Rupees —2nd, smooth-rimmed Rupees—3rd, straight-milled Rupees—and 4th, oblique milled Rupees: the two last mentioned descriptions should not be issued when there is any of the two first mentioned kinds, as they (the old rupees) should, as far as practicable, be retained for remittances beyond the Sutlej.

5th.—Short weight Rupees received by weight as bullion, not being fit for circulation by re-issue, should, as received, be carefully secured under your and the Treasurer's joint keys until an opportunity offers for sending them for recoinage, and on no account thrown again into circulation: and, as it is well known, that there are considerable quantities of such light rupees in these Provinces, and that they are kept out in circulation through the aid and collusion of the public Treasurers, you will be pleased to give your Treasurer to understand, that when the state of your monthly cash balance indicates the non-receipt of a fair proportion of such coins, he will be called upon satisfactorily to explain the causes of such a result; and you will be pleased to require such explanation on such occasions, and state the result at the foot of your cash balance reports. It is confidently expected that you will use your best endeavours to secure the removal of this short weight currency, which presses so heavily on the poorer classes, from your district. If you would make it generally known that every person from whom bhata is taken at your Treasuries on short weight rupees, is entitled and required to have the rupees cut before him in order that the Treasurers should not have it in their power to re-issue them, a great

check might be exercised over the Treasurers. The Ishtihars containing this information should be suspended at your Treasury doors in glazed frames, which can be made up for one rupee each. These frames will preserve the ishtihars and attract attention; and as the individuals from whom the short weight rupees are taken will, generally speaking, be dissatisfied, they will be, if confident of support from the Collector or Deputy Collector, in a mood to see that the Treasurer actually cuts the rupees, so that they cannot again be circulated.

6th.—Heretofore reluctance has been felt to authorize the detention of short weight rupees tendered at a Government Treasury, it being feared that the Treasurers would abuse the power. Strictly speaking such rupees ought not to be returned; and in the event of your feeling satisfied that you can strictly enforce the cutting of every short weight rupee in the presence of the payer, you are authorized to detain all such rupees, or you may allow the party to take away his short weight rupees after they have been cut.

7th.—A chisel, hammer, and a block to cut the rupees upon, must always be kept at hand, also accurate scales with minimum weights, in order that the payers may satisfy themselves that no more than the proper difference of weight is exacted from them, or that they receive a credit equivalent to the real value of the coin which they tender in payment. These scales ought also to be available to parties receiving payment from your Treasuries, to ascertain, if so disposed, that the coins in which they are paid are of a re-issuable and current kind.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, 29th September, 1841.

(No. 112.)

To all Officers in charge of Revenue and Political Treasuries in the North-Western Provinces.

With reference to the Government General Order, No. 211 of 1841, of the 8th Sept. last, published in the *Calcutta Gazette* of the 11th idem, page 736, I am requested by the Accountant General in the Military Department to inform you, that the General Order in question, (of which a Copy for ready reference is subjoined) is applicable alike both to Her Majesty's and the East India Company's Army, as well as to the Native Soldiery generally; and further, that you are authorized to grant Bills on other Public Treasuries at ten days' sight, on application of payees in exchange for Drafts payable at your Treasury; but tenders of Cash for Bills are to be invariably declined with exception only on account of remittances required on account of Bungalows, or Regimental Mess account, in cases of European Commissioned Officers, and on occasions of Sepoys proceeding on furlough.

2nd.—I am further requested to intimate to you, that at Stations where a Pay-Master is located, the duty of granting Bills is to be confined to that functionary; but at other Stations of the Army in the vicinage of Civil Treasuries, the Officer in charge of such Treasuries is expected to render every facility to the Military in the negotiation of Bills agreeably to instructions herein furnished.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 16th October, 1841.

No. 113.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to request that you will at your earliest convenience, furnish me with Statements drawn up agreeably to the annexed Forms Nos. 1 and 2 accompanied by any remarks which your local experience may suggest to you as relevant to the subject, or as touching the practicability and convenience of enforcing the general circulation of Government Pyce in your District.

2. I am aware that on a previous reference on this subject from the Office of the Superintendent of Resources a diversity of opinion was found to prevail, and that it was for the most part considered impracticable to bring the Government currency into general use, without resorting to coercive measures; but the lapse of time and circumstances intervening may probably have given rise to a change of opinion or considerably lessened the difficulties which were then contemplated. I should therefore be glad to learn the present views of Collectors of Districts on the subject.

3. The Statement called for being required for submission and report thereon to the Supreme Government; it is requisite that each heading embrace as much detail and accuracy as your means of observation and enquiry can secure: and here I would suggest a reference being made to the Principal Shroffs of your District, from whom I apprehend you would be likely to derive the most accurate information obtainable, as to the probable quantity of Pyce in circulation both of Government and Native coinage, the causes of the latter being introduced and extensively maintained in circulation, the probability or otherwise of their growing into disuse if a supply of Government Pyce adequate to the wants of the District were made available; and the probable quantity of the Government Pyce that would be required for general circulation supposing the Native Pyce to be entirely withdrawn.

4. With reference to columns 9 and 6, respectively of the Forms annexed, it is of importance that the probable price at which the Pyce when defaced or cut up would sell as old copper be estimated with the utmost possible accuracy; and as an offset against the estimated proceeds, the expence of cutting or defacing them, together with other charges incidental to the sale, as weighing, &c. should be considered. Also in connexion with this should be stated the facilities at hand or obtainable for such a process.

5. Your remarks in connexion with the Statement No. 2, should indicate whether the Pyce are at present manufactured within the Provinces or in any of the neighbouring States and the most feasible means for preventing their future manufacture, importation, or circulation as the case may be.

6. At the foot of Statement No. 1, you will have the goodness to note the Bazar price of new and old copper.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 5th November, 1841.

STATEMENT No. 1.

Estimated Amount of Government Copper Coin in Circulation and Deposit in the District of

1	2	3	4	5	6	7	8	9	
Denomination of Coin.	When and where struck.	Quantity in Deposit.	Quantity supposed to be in Circulation.	Number of pieces that can be purchased for a Rupee in the Bazar.	Average weight of 100 pieces of each denomination, in deposit or in circulation.	Ascertained weight of the quantity of each denomination in deposit.	Estimated weight of the quantity of each denomination in circulation.	Rate per Maund at which the quantity in deposit could, when broken up, be disposed of in the Bazar as old copper.	REMARKS,

STATEMENT No. 2.

Estimated Amount of Copper Coin in Circulation, but not struck at a Government Mint in the District of

1	2	3	4	5	6	
Denomination of Coin.	When and where struck.	Quantity supposed to be in circulation.	Number of pieces that can be purchased for a Rupee in the Bazar.	Average Weight of 100 pieces of each denomination.	Estimated weight of the whole quantity in circulation.	REMARKS.

To the Collectors of Government Customs.

Great want of regularity, and delay, in the transmission from your Office of the Monthly Returns noted in the margin* being apparent, and it being, at the present juncture, of the highest importance, that I should possess the means, at the earliest dates, of knowing the state and prospects of the several Treasuries in the North Western Provinces; I beg earnestly to enjoin on you the necessity of observing the greatest punctuality in future, and, as I cannot submit to the local and Supreme Governments the Monthly Statement of the Receipts and Disbursements of these Provinces, expected of this Office, until all the Monthly Accounts from every Treasury has been received in a complete form, it will be my painful duty to bring to the notice of Government every future instance of delay by which my returns may be impeded.

* Monthly Statement of Collections and cash account with its necessary Vouchers by the 10th of the succeeding month.

2. In every case when a return is not transmitted on the date fixed for its despatch, I beg you will report the cause of its delay, taking immediate measures at the same time to secure its preparation and transmission within a week at latest.

C. GRANT,
Officiating Accountant, N. W. P.

Accountant's Office, North Western Provinces,
Agra, the 21st December, 1841.

To the Post Masters of

Great want of regularity and delay, in the transmission from your Office of the Monthly Returns noted in the Margin,* being apparent, and it being, at the present juncture, of the highest importance, that I should possess the means, at the earliest dates, of knowing the state and prospects of the several Treasuries in the North Western Provinces; I beg earnestly to enjoin on you the necessity of observing the greatest punctuality in future, and, as I cannot submit to the local and Supreme Governments the Monthly Statement of the Receipts and Disbursements of these Provinces, expected of this Office, until all the Monthly Accounts from every Treasury has been received in a complete form, it will be my painful duty to bring to the notice of Government every future instance of delay by which my returns may be impeded.

* Cash Balance Report by the 1st or at the latest the 2nd. Cash Account with its necessary Vouchers by the 10th of the succeeding month.

2. In every case when a return is not transmitted on the date fixed for its despatch, I beg you will report the cause of its delay, taking immediate measures at the same time to secure its preparation and transmission within a week at latest.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 21st December, 1841.

To all Officers in charge of Revenue Treasuries in the North Western Provinces.

With reference to the complaints generally made that Cash Balance Reports and Monthly Estimates cannot be prepared with accuracy till the 4th or 5th of each month, before which the state of the Collections of the preceding month in the more distant Tuhsildarees cannot be ascertained, I beg so far to modify my requisition of the 21st ultimo as to fix the 7th of the month for the despatch of those two returns.

2. As the same reasons will induce some delay in the transmission of the monthly Treasury Accounts I beg to fix the 20th of the month instead of the 16th for the despatch of the return for the preceding month in a complete state with all its necessary vouchers.

3. The 10th being a sufficiently late date for the submission of the Hal Toujeeh Account for the preceding month, no alteration thereof seems called for.

4. It is to be hoped, that Collectors will do their utmost to facilitate the preparation and earlier despatch, if practicable, of their returns; or at least will so arrange their Treasury and English Departments that the dates now fixed shall not in any case be exceeded.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's, Office, N. W. P.,
Agra, the 4th January, 1842.

(No. 114.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to append a Form of Estimate of Receipts and Disbursements which I request you will henceforth adopt in your Treasury, and forward similar returns in future on the 10th of each month, commencing from next month, in lieu of the form heretofore in use in your Office.

2. The headings given in the form will embrace all your Office transactions; as, under those of "Miscellaneous Receipts" or "Miscellaneous Charges," may be included all those items which cannot be properly classed under any of the other headings.

3. In the first figure column in each page should invariably be inserted the *actual* Receipts and actual disbursements of the *past* month; and in the three other figure columns your *expected* receipts and disbursements for the current and two ensuing months.

4. The adoption of this form, will monthly present the state and prospects of your Treasury for a period of 4 months, and if carefully drawn up will secure greater accuracy in your prospective calculations. Its introduction is called for by the Revenue Kists of the year being now reduced to only four or five, which alteration, throws large funds at once into the Treasuries at certain seasons, and therefore renders it necessary, that the prospects of each Treasury, for at least 3 months, should be presented to this Office, to enable the latter so to direct a distribution of the funds as will best suit the wants of all the Treasuries, as well as the more immediate exigencies of the State.

5. The Half Yearly Estimate heretofore furnished to this Office according to the Fuslee Era or for the periods from October to March and from April to September may be discontinued.

6. Herewith you will receive 12 Impressions of the form on Serampore Paper, (or sufficient for the next 12 months,) which will need only to be carefully filled up and forwarded, after retaining a copy for your Office records.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 18th January, 1842.

(No. 115.)

To all Revenue Officers in charge of Revenue Treasuries in the North Western Provinces.

Some doubt having been expressed as to the meaning that ought to be attached to the words " authorized appropriations," which occur in the 3rd Paragraph of Mr. Accountant Wells' Circular letter No. 97, dated 18th February, 1841, relative to the Local Agency Funds, it was found expedient to make a reference to Government on the subject in order that more distinct directions might be issued for the guidance of the Officers forming the different Local Agencies.

The Hon'ble the Lieutenant Governor having expressed his concurrence in the following view taken by me of the question, and directed me to instruct the several Local Agencies accordingly, I have the Honor to present the same for your information and guidance, and for communication to the Local Agents of your district.

" After carefully considering the correspondence which has passed and referring to Regulation XIX. of 1810, I am of opinion that the words above quoted ' authorized appropriations' ought to embrace all charges of Collection, all Salaries or allowances of the Establishments attached to endowments, charges not exceeding 500 Rupees on account of necessary repairs of bridges, seraees, kuttras, wells, the planting of trees and other works conducive to the convenience of the Community, when a charge on account of any particular work exceeds 500 Rupees it will be necessary for the Commissioner to apply to Government for special sanction as in the case of a like disbursement from the Ferry Fund, or the one per cent ' Road Fund.' "

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, 14th February, 1842.

(No. 116.)

To all Officers in charge of the Revenue and Political Treasuries in the North Western Provinces.

In continuation of letters Circular Nos. 26 and 66 issued by Mr. Wells on the 15th June 1836, and 27th December 1838, I have the honor to forward a Revised Form for your future annual Reports of Pensions discharged, commencing with the current official year 1841-42.

2. You will be careful to ascertain, with as much accuracy as possible, the ages of all Life Pensioners, and in all cases where the Descriptive Roll has not been prepared you must call the Pensioner before you and draw up a correct Roll: when any pensioner has been relieved from the necessity of furnishing a roll by the orders of Government you will be so good as to mention the fact under the remarks in the last column.

3. It will not, you will observe, be necessary to arrange the Pensioners in alphabetical order, nor to class them into those receiving 200 Rupees per annum and upwards, and those receiving less than 200 Rupees per annum; but to enter them in the classes indicated; keeping those Pensions only in consecutive order which may primarily have had the same origin or have emanated in the same orders.

4. All pensions granted in perpetuity must be carefully distinguished from Life Pensions, and classed as shewn in the form which accompanies. Under each head they must be arranged according to the order of Government confirming each pension beginning with that of the oldest date.

5. In column 12 you will be careful to distinguish the orders under which each Pension has been disbursed, whether by the orders of Government, or of the Board of Revenue, or of any other authority.

6. Should there be any pensions in your District which have not been investigated as pointed out in Section XVI. of the Sudder Board's printed Circular No. 4, you must take immediate steps to rectify the oversight.

7. In the last column a short, but clear, abstract of the origin and history of each Pension must be given.

8. You will be good enough to send with your Statements, or as soon after as may be possible, copies of all the papers which were submitted to Government together with the Government orders, in all cases which were sanctioned by Government prior to 1835. When the orders of Government and the original Papers connected with any case are not in your Office, you must apply for copies of them to the proper Offices with as little delay as possible.

9. In conclusion, I beg that you will inform me how soon after the close of the current year I may expect, the return now called for to reach this Office.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office. N. W. P.,
Agra, the 20th April, 1842.

P. S. I beg to add, that if a clear Abstract of the origin and particulars of each pension, is once given, it will not be necessary to repeat the same in detail in your future annual returns.

(No. 117.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I beg to subjoin a Circular issued by the Officiating Revenue Accountant of Bengal bearing date the 22nd ultimo, and to request that you will attend to the several requisitions therein conveyed on occasions of his drawing Bills and assignment for *different* purposes with a dictinct series of Numbers.

C. GRANT,
Offig. Accountant N. W. P.

Accountant's Office, N. W. P.,
Agra, the 17th May, 1842.

I have the honor to intimate that it is my intention from and after the 1st May Proximo, to allot a separate series of Numbers, to Bills and to each description of assignments, viz. Salt, Opium, Military, Civil Buildings &c. which may be drawn by this Office on Mofussil Treasuries, and to request that you will duly honor all such Bills and assignments notwithstanding that an assignment and a Bill or two assignments that may be drawn on your Treasury for two distinct purposes may bear the same Number and perhaps the same date also.

2. Under these circumstances it will, I apprehend, be necessary, that you open in your Check Register of Bills and Assignments separate heads for the different description of Assignments, as the entry of all Bills and Assignments in the same Page may lead to much confusion ; and to facilitate the registry by you of the Assignments under their proper heads a separate letter of advice for each Assignment will be issued from this Office with a note to indicate the purpose for which such Assignment is drawn.

J. W. THORNHILL,
Offg. A. R. D.

Fort William,
Revenue Accountant's Office,
The 22nd April, 1842.

(No. 120.)

To all Officers in charge of the Revenue and Political Treasuries in the North Western Provinces.

I have the honor to request that you will promptly pay to the Right Honorable the Governor General of India such sums as His Lordship may require from your Treasury on his private account, during his presence in the North Western Provinces, on your being furnished with His Lordship's drafts in favor of the Sub-Treasurer of Fort William for corresponding amounts, upon the Bank of Bengal, with receipts attached.

2. After payment you will be pleased to forward His Lordship's drafts to the Sub-Treasurer at the Presidency for realization on due date; with a request, to furnish you in return with a receipt for the amount, to enable you to adjust the advances on your accounts as a Cash Remittance from your Treasury to that Officer.

3. It being the Governor General's intention to give the drafts upon the Bank of Bengal written entirely with his own hand, I have further to request that you will pay

no other than such autograph Bills on His Lordship's account, without further instructions.

C. GRANT,
Offg. Accountant, N. W. P.,

Accountant's Office, N. W. P.
Agra, the 24th May, 1842.

(No. 121.)

To all Officers in charge of the Revenue and Political Treasuries in the North Western Provinces.

Observing from the Estimates furnished to this Office under my Circular of the 18th January last that Specie Remittances contemplated to be made from one Treasury are not generally entered among the expectancies of the Treasury to which they are proposed to be consigned; and apprehending that this discrepancy arises from an omission on the part of the Remitting Officer to advise the Receiving Treasury sufficiently early, if at all, of the proposed Remittance; I have the honor to request, that you will make it an invariable rule, whenever a remittance is proposed or ordered to be made from your office, and so entered in your Estimate, that you will give the Treasury to which it is to be consigned, the earliest possible intimation of the circumstance; and on occasions of your receiving such intimation from another Treasury, you will be pleased invariably to enter a corresponding amount in your Estimate among your expectancies under the head "To Cash Remittance from ," naming the remitting Treasury.

2. I take this opportunity of also enjoining that your Estimates and Cash Balance Reports be submitted with punctuality, otherwise my Monthly reports to Government on the state and prospects of the Treasuries must be closed and submitted on the 20th of each month with blanks under your district, which will doubtless attract notice and remark.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 10th June, 1842.

(No. 122.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I beg to inform you that the Superintendent at Darjelling is authorized to draw Bills upon the Treasuries of the Provinces generally, but is restricted to draw only to the extent of One Thousand Rupees in the month on any one Treasury. You will accordingly be pleased to honor any Bills that Officer may draw upon your Treasury under the abovementioned restriction charging the same in your accounts under "By Bills payable of the Political Department Subordinate to the Bengal Presidency."

I beg to add that you are not authorized to draw Bills upon the Darjelling Treasury.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 22d August, 1842.

(No. 123.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

With reference to the Form of Estimate of Receipts and Disbursements appended to my Circular No. 114 dated the 18th January last, I have the honor to request that you will, to the memorandum at foot thereof, add a head of "Treasure Boxes" and shew monthly under that head, all the empty Treasure Boxes and Bags in your Office whether made up by you or received from other Districts with specie remittances, serviceable or otherwise indicating also, as circumstances may warrant, additions to and reductions from their number by remittances to and from your Treasury. You will be pleased to take all possible care of the Boxes in question so that they may be kept from injury from insects and in a good and serviceable condition.

2. I take this opportunity of enjoining the strictest punctuality on your part in despatching your Estimates on the 10th of each month, both to maintain its own utility, and to admit of my including the results it affords in my monthly report on the ways and means of our Treasuries, for the information of the Right Honorable the Governor General, which it cannot do, unless it is received here before the 20th of the month.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 20th Sept. 1842.

(No. 125.)

To all Officers in charge of the Revenue and Political Treasuries in the North Western Provinces.

I have the honor to request that in the event of the Right Honorable the Governor General of India and the Honorable the Lieutenant Governor of the North Western Provinces visiting your Station, you will discharge from your Treasury all monthly Bills for Salaries, Establishments and Contingencies which may be presented to you for payment duly signed by the Secretaries in attendance on the Governor General and Lieutenant Governor, as the case may be.

2. The Bills appertaining to the Government of India you will be pleased to forward at your earliest convenience (after retaining a copy) to the Bengal Civil Auditor for audit, and on their return to you, duly audited, you will be good enough to charge them in the body of your Treasury accounts against the Bengal Presidency, holding their amounts in the meantime in your Inefficient Balance.

3. You will also be pleased, under Receipts taken in Duplicate, to advance to his Lordship's Private Secretary such sums as that Officer may require for Toshakhana Expences, charging the amounts of such advances at once in your accounts, under "By Durbar Remittances of the Bengal Presidency" supported by the receipts in question.

4. The Bills appertaining to the Government of the North Western Provinces, duly receipted, you will after payment of their net amount (that is less the usual deductions on account of the Funds) transmit for audit to the Civil Auditor at Agra, with a request to forward them after audit to the Collector of Agra for charge in his accounts, at the same time, requesting the Collector of Agra, to send you a receipt for their net amount, to enable you to adjust the advance as a Cash Remittance to his Treasury.

5. I take this opportunity of soliciting your attention to my Circular of the 24th May last, No. 120, regarding sums which the Governor General may require from your Treasury on his own private account.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 26th Sept., 1842.

(No. 126.)

To all Officers in charge of Political and Revenue Treasuries in the North Western Provinces.

Captain S. A. Abbott having been appointed to the charge of a Treasure chest established in the Right Honorable the Governor General's Camp and empowered by his Lordship to draw bills upon Civil Treasuries, I have the honor to request that you will honor such drafts as that Officer may have occasion to draw upon your Treasury and to advance to him upon his receipts, taken in duplicate, such sums as he may require to supply the Treasury under his charge with funds and to debit such Bills and Receipts to the head of "Branch Treasury in the Governor General's Camp" subordinate to "By Bills Payable of the Political Department" of the North Western Provinces.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 28th Dec., 1842.

(No. 128.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

The return to the Provinces of the Forces lately serving in Afganistan and of the late Pay Master to the Army of the Indus and to Shah Soojah's Force renders it necessary to communicate to you for your guidance the following rules conveyed to me by the Accountant General in the Military Department, and by the Government of the North Western Provinces relative to the drafts issued by the Pay Master in question, upon the Treasuries in the Provinces and still unpaid.

2. When Bills are presented by the *Original Payees* there should be no doubt as to the necessity of accepting and paying them though the letters of advice should not be forthcoming unless there be reason to doubt the genuineness of the Bills.

3. When Bills are presented by an Endorsee and the Drawee being at large has not stopped the payment or made objection, the Bills if genuine and drawn payable to order, must also be accepted and paid.

4. When circumstances may throw doubt upon the genuineness of a Bill it should be referred to the Pay Master or drawee, and all Bills certified by the Pay Master to be genuine should be paid without further reference. Cases in which the Pay Master cannot supply a Certificate of genuineness should be brought to the notice of this Office with a full report on the circumstances and grounds of the claim set forth by the holders of the Bills when they will be submitted for the special orders of Government.

5. When an amount is claimed under declaration that the Bill is lost, the parties should be referred to the drawee of the Bill for a Duplicate and Major Bygrave and

Captain Johnson, the late Pay Masters at Cabool being now released from captivity, it will be in their power, if satisfied in regard to the transaction, to grant duplicates, in favor of the Original Payees, the acceptance and payment of which would release Government from any claim upon the Original Bill unless it be produced, or protest be made against such payment by an Endorsee of the original, when of course the case must be decided according to its circumstances.

6. When a party is desirous of obtaining a Certificate of non-acceptance and non-payment of a Cabool Pay Master's Draft, you will be pleased to consult your Check Register of Bills drawn and Treasury Accounts before issuing it; and when a Certificate is issued should the advice connected with the same Bill be forthcoming in your Office, the latter document should be held available for the inspection of the Pay Master, should that Officer desire to consult it. These means will aid parties in obtaining Duplicates of lost Bills.

7. The Government would not be warranted in paying to the brother or representative of a Payee, even if he presented a Bill, except after a probate or letters of administration duly taken out in the Supreme Court in the case of an European, or Certificate of a Zillah Court under Act No. XX. of 1841 if the parties be Natives or Foreigners.

8. It is to be observed that the above rules apply only to Family Bills granted by the Pay Master. The Bills granted by the Political Authorities in Afganistan under peculiar circumstances stand on a different footing altogether, and each of them will have to be decided on its own merits with reference to the circumstances under which it was granted.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Camp at Hodul, the 18th Jan. 1843.

(No. 130.)

To all Officers in charge of Revenue Treasuries in the North Western Provinces.

In continuation of my Circular letter of the 5th November, 1841, No. 113, I have the honor, under the instructions of Government, to request that you will furnish this Office, *immediately after the close* of each Official year, with a report of the state of the Copper Currency in your District, for transmission to the Government of India, drawn out in conformity with the Forms annexed to my abovementioned Circular. It is expected that when preparing the return now called for you will be careful to revise and correct your former Statements.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Camp at Dehlie, the 3rd Feby., 1843.

(No. 131.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to request that you will distinctly bring to credit in your Treasury Accounts all deductions or stoppages that may be indicated in the Abstracts made payable at your Treasury of Madras Officers serving or receiving their Allowances in

these Provinces on account of their Subscriptions to the Medical Fund or Military Fund of that Presidency, exhibiting the same respectively under the head "to Presidency of Fort St. George" as follows:—

MADRAS MEDICAL FUND.

Amount subscription of Mr. A. B. Assistant Surgeon for the month of 184 .. .. Rs. 0 0 0

MADRAS MILITARY FUND.

Amount subscription of Lieutenant C. B. of the — Regiment Madras N. I. for the month of 184 .. .. .. Rs. 0 0 0

2. In crediting such stoppages on account of subscriptions to the Funds in question you will of course at the same time debit the full amount of the Abstracts upon which the deductions may be shewn.

3. By your strictly observing the above instructions, I shall be enabled to furnish the Military Accountant at Fort St. George with Monthly Statements of the sums credited to the Funds of that Presidency, in order to those Institutions being credited by him at an early period, with the amounts realized on their account.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Camp Allyghur, the 20th Feb., 1843.

(No. 132.)

To all Officers in charge of the Revenue and Political Treasuries in the North Western Provinces.

The Treasury of the Political Agent in Upper Assam having been abolished under order of Government in the Political Department, I have the honor by direction of the Accountant General, to request that you will be good enough in future, to draw upon the Collector of Lukhimpore all Bills for public purposes hitherto drawn by you upon the Political Agent in Upper Assam.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Camp at Allyghur, 20*th Feb.* 1843.

(No. 133.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to request that you will, on receipt of these instructions, discontinue granting any drafts upon the Civil Treasury at Loodiana, as that Treasury, as well as that at Ferozpoor, has been ordered by the Envoy at the Court of Lahore to be abolished.

2. The Assistant to the Envoy in charge of the Umballah Treasury has been instructed to honor any Bills drawn on the above Treasury that may be unpaid on its abolition.

C. GRANT,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 25th Feb., 1843.

(No. 134.)

To all Officers in charge of Judicial Treasuries in the North Western Provinces.

I have to request that you will henceforward transmit, monthly, to this office, a statement of Fines pending, imposed, and realized or otherwise disposed of in your Office, in the form subjoined to this letter:—

Form No. 1 is adapted only to the first month's return, and No. 2 to those of all succeeding months.

2. You will bear in mind, that the Fines realized during each month are to be brought distinctly to credit under the proper head of the Department for which they were imposed, thus: those imposed and realized under Act II. of 1838 should be credited to the Customs Department; and, that Fines realized and brought to credit are not refundable without written sanction of the Sessions Judge. After sanction they should be included in your Contingent Bill for audit and charge thereby rendering the practice uniform with that pursued in the Revenue Department.

C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 20th March, 1843.

Form No. 1 for the 1st Month

Statement of Fines imposed and realized or otherwise disposed of under the Magistracy of Zillah during the month of May 184 .

No. of each case.	Department.	Name of offender.	Nature of offence.	Substance and date of order.	Amount Fines.												Date of Imprisonment if undergone in lieu of Fine, and of release; also explanatory remarks regarding non-realization.
					Imposed.			Realized this month.			Due.			Remitted.			Net Balance			
														Date of authority.		Amount.				

Zillah Magistrate's Office, the 184 .

This account is to be drawn out on paper called "Foolscap paper," and is to be punctually dispatched on the 15th of each succeeding month.

Form No. 2 for the 2nd and subsequent months

Statement of Fines pending, imposed and realized or otherwise disposed of under the Magistracy of Zillah during the month of June, 184 .

No. of each case.	Department.	Name of offender.	Nature of offence.	Date and substance of order.	Amount Fines.												Date of imprisonment if undergone in lieu of Fine, and of release; also explanatory remarks regarding non-realization.
					Balance brought on from May 184 .			Imposed.			Total.			Realized this month.			Due.			Remitted.						Net Balance.			
																				Date of authority.			Amount.						
1																													
2																													
3																													

Note—It will be observed that these are items brought on from last month with a specification of the same particulars; and it is thus intended that the history of each fine should be continuously exhibited until realized or remitted upon competent authority, or commuted by imprisonment in lieu of fine. In each case, however, the amount of fine imposed must be shewn intermediately in the Balance of this statement, and when realized or remitted or commuted by imprisonment, should be accounted for accordingly, and expunged from Balance.

Zillah Magistrate's Office, the 184

C. GRANT,
Accountant, N. W. P.

This account is to be drawn out on paper called "Foolscap paper" and is to be punctually dispatched on the 15th of each succeeding month.

(No. 136.)

To all Officers in charge of public Treasuries in the North Western Provinces.

The Government of India having resolved upon the gradual displacement of the several sorts of the Government Furruckabad Rupees now current in the North Western Provinces, by the introduction of the Company's Rupee into more general circulation; I have the honor to request, that you will, with this object in view, restrict the payments made from your Treasury so far as may be practicable, to the Company's Rupee, and only to make such payments in the smooth rimmed or other Furruckabad Rupees, when there is not a sufficiency of Company's Rupees to meet all demands upon your Treasury.

2. You are also requested to continue to receive as heretofore in payment of all Government dues, the several descriptions of Furruckabad Rupees now in circulation when tendered at your Sudder Treasury or at your Mofussil Tuhseels, when their loss of weight by fair wear does not exceed 2 pie per Rupee or 1 : 0 : 8 per cent at par with the Company's Rupee: but when their lightness exceeds the above rate, by weight as Bullion and not by tale, and without any charge of Seignorage.

3. You are further requested to set aside all the Diagonally Milled and Straight Milled Rupees which, although of a reissuable description, may be apparently old and likely to be depreciated in the market, for transmission by every favorable opportunity to the Assay Master at Agra for eventual recoinage: But before making a remittance of the kind you will be careful to report to, and to obtain the Sanction of, this Office to the measure.

4. The amounts thus set aside and accumulated, should be indicated, with a detail of the amount in tale of *each* sort, in a note at the foot of your monthly Cash Balance Reports, to enable me periodically to report, for the information of the Government of India, the progress making in the displacement of the old Currencies under the operation of their present resolution.

5. It is not expected that you can afford to act on the above instructions till May and June next, when your Rubbee kists will be in course of payment.

Accountant's Office, N. W. P.,
Agra, the 30th March, 1843.

C. GRANT,
Accountant, N. W. P.

(No. 137.)

To all Officers in charge of Revenue and Political and Customs Treasuries.

In compliance with an arrangement proposed by the Managers of the Civil Fund, I have the honor to request, that you will from and after the 1st Proximo discontinue the practice of remitting the subsciptions brought to credit in your public accounts to the Sub-Treasurer and Treasurer of the Civil Fund by drafts upon the General Treasury at the Presidency, and consider the instructions of the annexed* dates, so far as they relate to the Civil Fund, as hereby cancelled.

* Circular letter, No. 10 dated 20th May, 1835.
" " No. 49 dated 27th Dec. 1837.
" " No. 55 dated 3rd May, 1838.
" " No, 87 dated 25th May, 1840.

2. As the arrangement in question involves the necessity of a Statement being prepared and transmitted monthly from this Office to the Secretary of the Institution, I have to enjoin particular attention to the clear exhibition of the Subscriptions brought to credit in your monthly Treasury Accounts, so that the name of the Subscriber, and period and amount of subscription distinguishing Extraordinary from Ordinary, may be

readily ascertained from the credit entries; and the realizations from Deputation and Extra allowances, be not mixed up with those derived from the salaries of the substantive appointments.

3. In your charges also against the Civil Fund on account of refunds in correction of excess credits or from other causes, you will be particularly careful to indicate the proper party, the period and amount of refund, distinguishing Ordinary from Extraordinary subscriptions refunded to support the debit entry with receipts of the party.

C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 26th April, 1843.

(No. 138.)

To all Post Masters in the North Western Provinces.

I have the honor to annex for your information and guidance, copy of Instructions issued by me under date the 17th Instant to the Post Master at Loodiana and Ferozpoor, consequent on the abolition of the Civil Treasuries and the establishment of Military Chests, at those Stations.

C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 27th April, 1843.

To the Post Masters of Loodiana and Ferozpoor.

The Civil Treasury at Loodiana and Ferozpoor having been abolished and a Military chest established at that Station, I have to request that you will pay over your collections to the Officer in charge of the Chest upon his receipts, and draw from him upon your own receipts such sums as you may require for your disbursements.

2. As drafts cannot be drawn for Civil purposes upon the Military Chest, you should not require remittance drafts from other Post Masters on account of Dâk Travellers or Dâk Bearers: but merely call for the Post Master's receipts in duplicate, which, you can charge in your accounts as Remittances to them, and disburse a corresponding amount on their account from funds drawn by yourself from the Chest or from your own accruing collections.

C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
The 17th April, 1843.

(No. 139.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

In modification of the instructions conveyed to you in my Circular letter of the 18th January last, No. 128, I have the honor to request, that you will honor no Bills drawn by any of the late Military Treasuries in Affghanistan, without previous reference to the Accountant General at the Presidency; nor until sanction be first obtained from that officer.

2. The present instructions are issued in compliance with the annexed Copy of a requisition from the Accountant General in the Military Department, dated 8th Instant, and of its annexure.

C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 17th May, 1843.

To the Accountant to the North Western Provinces.

Accountant General's Office, Mily. Dept.,
Fort William, 8th May, 1843.

In continuation of my letter, No. 3742, dated 17th December, 1842, and with reference to paragraphs 2nd, 3rd and 4th, of letter No. 87, dated 7th ultimo, hereto annexed from Officiating Secretary Major Sturt, I have the honor to request that you will have the goodness to issue a Circular to all disbursing Officers subordinate to you prohibiting the payment of drafts drawn by any of the late Treasuries in Affghanistan without previous reference to this Office.

C. MORLEY,
Accountant General.

Copy of paragraphs 2nd, 3rd and 4th of letter No. 87, dated 7th ultimo, from Officiating Secy. Major Sturt to C. Morley, Esquire, Accountant General Military Department.

2. In reply I am directed to inform you, that under the circumstances stated, Government see no objection, where the Register of Original Bills is not attainable for reference to fresh drafts in lieu of lost ones being granted by the above-mentioned Officers * sanction being previously obtained from you with respect to the grant of such new Bills.

* In allusion to Captains Bygrave and Johnson, respectively, late Pay Masters to the Indus Army and Shah Shuja's Force.

3. It will be necessary in all such cases, that due notification of the cancelment of the first order should be given to the Officer in charge of the Treasury on which the Bill for the amount was originally drawn, and such guarantee of refund taken from the party to whom the new Bill is granted as may in your judgment be deemed proper to secure the Government against a double payment.

4. This, however, could not well occur were due notice issued to the different Treasuries to honor no Bills that may have been drawn at Cabool and are presented hereafter for payment till sanction be first obtained from you.

C. MORLEY,
Accountant General.

(True Extracts.)

C. GRANT,
Accountant, N. W. P.

(No. 140.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

To obviate the great inconvenience and delay in the examination and adjustment of the accounts rendered to this Office by Officers in charge of Public Treasuries in the

North Western Provinces, which arise from the practice (of frequent occurrence) either of not forwarding Vouchers or of transmitting incomplete or insufficient Vouchers to support charges exhibited in their Accounts: I beg to point out the irregularity to you with my earnest request that you will strictly enjoin upon your Officers, who have the preparation and despatch of your monthly Treasury Accounts to be careful not to enter any items of charge in the body of the accounts which cannot be readily supported by Vouchers or the Vouchers of which are incomplete or insufficient. Items of charge which are subject to, or pending audit, or of which, the Vouchers are not immediately forthcoming,* should be held in your Inefficient Balance till you are provided with proper Vouchers, when they should of course be removed from that head, to the debit of the proper head of account.

* From this rule should be excepted charges made on account Remittances to the Presidency on account of the Military Fund, the Military Orphan Fund and Medical Retiring Fund.

2. I have also to beg that previously to entering charges on account of drafts paid from your Treasury, you will cause a careful examination to be made of the drafts *individually* to ascertain that they are not wanting in proper endorsements and receipts; and the insertion in English of the names of Native payees and endorsees under their autographs or seals which are frequently not decipherable here from the writing not being in a legible hand, or in a language not easily readable, such as the Mahajunee Hindee.

3. I beg also to observe, that as every payment and transfer is made in your Treasury under an instrument denominated a warrant of payment, or Hookm khajanah, addressed to the Treasurer, a note of the No. and date of such warrant, attested by you, should invariably be inserted on the back of every Voucher, which is deemed by this Office necessary to its completeness; and, in cases of transfers from one head of account to another (such as from Deposits to Land Revenue or to Profit and Loss) the item of charge should be supported by an attested copy of the Treasury Warrant under which the Transfer was effected.

4. I have further to request, that on occasions of retransmitting Vouchers returned from this Office for purposes of correction or otherwise, you will forward therewith a short letter indicating therein the Nos. of the Vouchers and the specific month's account to which they respectively appertain, and, if such letter, and its accompaniments are not acknowledged by this Office within a reasonable period, you will be good enough to remind me of the delay in their acknowledgment.

5. If these instructions are carefully attended to I am persuaded much of your time and mine will be saved which is now spent in making, and attending to requisitions relating to Vouchers appertaining to items of charge in your accounts.

Accountant's Office, N. W. P.,
Agra, the 30th May, 1843.

C. GRANT,
Accountant, N. W. P.

(No. 141.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

With a view to give free circulation to the four anna silver piece, or quarter rupee of Government coinage, I have the honor to request that you will issue them in payment of demands upon your Treasury to any one willing to receive them; and also take them from any one who may tender such coin at your Office in any payment.

2. This coin not being, strictly speaking, a legal tender for more than the fractional parts of a Rupee, it is to be understood that it will be optional with persons to take them or not in payment of demands upon your Office other than for the fractional parts of the rupee; but if it be generally known that the coin will be received back in liquidation of Government dues, there will, I apprehend, be less objection on the part of the Public to make a more general use of it in money transactions.

Accountant's Office, N. W. P.,
Agra, the 31st May, 1843.

C. GRANT,
Accountant, N. W. P.

(No. 142.)

To all Officers in charge of Revenue Treasuries in the North Western Provinces.

No returns being furnished to this Office from which the gradual reduction during the course of the year, of the Outstanding Revenue Balances of your district of past years, can be readily ascertained: I have the honor to request, that you will on the reverse side of your monthly Hal Towjeehs insert a Memorandum in the following form, commencing with your Towjeeh for the past month of May:

. Memorandum of the State of the Buqaya Balances.

Years.	Balance at the close of April 1843.			Realized in May 1843.			Remitted under Government order dated			Remaining Balance at the end of May, 1843.		
							G. O. 10 May, 1843.					
On account of 1245 F.	75	0	0				75	0	0	0	0	0
" of 1246 F.	108	0	0				100	0	0	8	0	0
" of 1839-40	1,500	0	0	110	0	0	0	0	0	1,390	0	0
" of 1840-41	1,200	0	0	200	0	0	0	0	0	1,000	0	0
" of 1841-42	800	0	0	50	0	0	0	0	0	750	0	0
" of 1842-43	2,15,000	0	0	1,11,000	0	0	0	0	0	1,04,000	0	0
Total. ..	2,18,683	0	0	1,11,360	0	0	175	0	0	1,07,148	0	0

2. The realizations as entered in the Memorandum should of course correspond with the credits afforded in your Treasury Account for the same month, and the results of the 12 months of the Official year should agree with the exhibits in the Annual Buqaya Towjeeh of your District, in the same manner as the results of the monthly Hal Towjeehs correspond with those exhibited in the Juma Wasil Baqee Account.

3. When an alteration is induced in the Buqaya Demand of any year or years, in consequence of transfers to another jurisdiction, by the transfer of any Estates; or, of annexation of Balances from the annexation of Muhals from another zillah to yours; and in consequence, a decrease or increase of demand is shewn on the demand as it stood at the close of the preceding month or year, the cause inducing the alteration should be briefly explained at the foot of the Memorandum prescribed above.

4. The insertion of this Memorandum on the back of your montly Towjeehs should not in any case be allowed to interfere with the punctual rendering of your Towjeeh Accounts on the prescribed date (the 10th of each month) and I know of no

reason why the details necessary for the preparation of the Memorandum should not be available at the same time as those required for the Towjeehs.

C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
The 13th June, 1843.

(No. 143.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

With reference to my Circular of the 17th May last, No. 139, and to a communication received from the Accountant General in the Military Department at the Presidency, dated the 23d ultimo, I beg to inform you, that the prohibition conveyed in the Circular in question is to be held applicable to the payment only of such Drafts as were drawn by either Captains Bygrave and Johnson, respectively, Pay-Masters, to Indus Army and to Shah Shoojah's Force prior to January 1843, from which date, G. O. G. G. they are directed to wind up their Accounts and not to the Drafts issued by those Officers since their return from Afghanistan.

2. I beg to add, that the reference to the Accountant General at the Presidency directed to be made in the Circular above cited, should be submitted through this Office as the channel of communication; and in doing so, you will be pleased invariably to indicate whether or not advice of the draft has reached your Office.

C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 6th July, 1843.

(No. 144.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

With reference to the annexed extract (paragraph 2) from a letter from the Financial Secretary to the Government of India, dated the 21st ultimo, I have the honor to request, that you will, on all occasions of drawing Supply Bills, whether on the General Treasury at Fort William or on Treasuries in the Provinces, endeavour to obtain a premium when the Market is favorable; and invariably express on the face of the Bill, the rate of exchange at which the same is issued; and when issued at par, that circumstance should be also noted as per margin.* The note for uniformity sake should be entered in prominent characters in red ink in the space between the No. and amount at the top of the Bill.

* At per cent discount, or
At per cent premium.
At par.

2. By Supply Bills, you will of course understand, such Bills as you may issue in favor of Shroffs or others under the general or special instructions of this office, either for the purpose of drawing to your Treasury accumulations of funds in neighbouring Districts; or, for raising Funds to meet emergent expected demands upon your Treasury.

3. You will, however, bear in mind, as a general rule, that no discount should be allowed upon a Bill without the previous sanction of this Office, and that, under ordinary circumstances, no proposal for Bills at a discount should be entertained.

C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 14th July, 1843.

Extract from a letter No. 921, *dated the* 21*st June,* 1843, *from* J. A. DORIN, *Esquire, Secretary to the Government of India in the Financial Department to the address of the Accountant, North Western Provinces.*

Paragraph 2. In any arrangements, that you may have occasion to make for supplying any of the Treasuries under your control with cash by the sale of Bills, you will not fail to bear in mind, as a general rule, that it will not answer to negociate Bills of Exchange at a rate of loss greater than the cost of furnishing a specie remittance, and that a premium should be obtained whenever the state of the Bill market gives a value above par to Government bills: moreover, as a guide to this Office, I am desired to request that in respect to Supply Bills drawn on the General Treasury the rate of exchange at which each Bill is issued may invariably be expressed on the face of the Bill.

(True Extract.)

C. GRANT,
Accountant, N. W. P.

(No. 145.)

To all Officers in charge of Revenue and Political Treasuries in the N. W. P.

The district of Nursingpoor, which was incorporated with the district of Hosungabad in the Saugor and Nerbudda Territory from the 1st November, 1835, having, under Government Orders, dated the 16th ultimo, been again formed into a separate district; I have to request accordingly, that you will honor all drafts that may be drawn upon your Treasury in accordance with existing rules, by the Deputy Commissioner at Nursingpoor: you are also authorized to grant drafts upon the Nursingpoor Treasury, as occasions may render necessary, with advertence to prescribed rules.

2. The Treasury in question is to be considered as a Revenue Treasury of the North Western Provinces, and all Bill transactions therewith, are to be exhibited in your Treasury Accounts under "Deputy Commissioner of Nursingpoor" subordinate to the head "To and By Bills payable of the Revenue Department, North Western Provinces."

Accountant's Office, N. W. P.,
Agra, the 17th July, 1843.

C. GRANT,
Accountant, N. W. P.

(No. 146.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

In modification of the instructions conveyed in paragraph 4 of my Circular letter No. 129, of the 31st January last, I have the honor to inform you, that the Military

Treasury at Sukkur and the General Treasury at Hyderabad, both in Scinde, are subordinate to the Bengal Presidency, and that all Bill transactions with them are to be exhibited under the heads of "Bills payable of the Military Department," and "Bills payable of the Durbar Department" respectively, under the Bengal Presidency.

2. You are authorized to honor all drafts which may be drawn by the Officers in charge of the abovementioned Treasuries in Scinde upon your Treasury: but you are not competent to issue drafts upon the Military Treasury at Sukkur. Drafts may however be granted under existing rules upon the Civil Treasury at Hyderabad.

3. I take this opportunity of bringing to your notice an irregularity complained of by the Collector of Juanpore upon whom Drafts are frequently drawn for Officers and Sepoys of the Regiments stationed at Sooltanpoor Oude; but, who is invariably requested to exchange such drafts for others on the Lucknow Residency.—To obviate inconvenience to parties, and the labor of issuing exchange drafts, you are requested, to decline issuing Bills on the application of the Military, upon other Civil Treasuries when such Bills are required upon other than the Treasury of the Station or District in which the Payee is located, and, to inform all parties entitled to Bills that exchange drafts cannot be claimed except only in cases in which the Payee has, intermediately to the issue and receipt of the Bill in his favor, been removed to another locality under orders for Relief or otherwise.

Accountant's Office, N. W. P.,
Agra, the 29th July, 1843.

C. GRANT,
Accountant, N. W. P.

(No. 147.)

To all Officers in charge of Revenue and Political Treasuries in the N. W. P.

The Right Reverend the Lord Bishop of Calcutta having intimated to the Supreme Government his intention of proceeding to the North Western Provinces on a visitation of his Diocese, in October next, I have the honor to request, that, should His Lordship visit your Station and require any advances of Money from your Treasury, you will be pleased to pay to him such sums as he may require within the limits of his monthly pay and allowances, upon his receipts, taken in duplicate.

2. So soon as any advance is made to the Bishop under the present instructions, you are further requested to forward one of his Lordship's receipts direct to the Civil Auditor at the Presidency for adjustment, and to debit the amounts advanced, supported by the duplicate receipt in your Treasury Account, to the "Bengal Presidency," under "Church" subordinate to the head "By charges General of the General Department."

Accountant's Office, N. W. P.,
Agra, the 2nd Sept. 1843.

T. K. LOYD,
Offg. Accountant, N. W. P.

(No. 148.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

The Officer in charge of the General Treasury at Hyderabad in Scinde, having intimated to this Office that he has, from the 10th ultimo, commenced granting Bills, on the Treasuries in the North Western Provinces, to Soukars, in sets of *First* and *Second*, as per accompanying Form, I have the honor to advise you of the circumstances

and to enjoin on you, to be particularly careful that when the *First* of Exchange is honored the *Second* if subsequently presented for payment, is invariably to be rejected, and vice versâ.

2. I beg also to apprize you, that if through inattention to the foregoing injunction, double charges occur in your Accounts by the payment of both the first and second of the same Bill of Exchange, the disbursing Officer will be held personally responsible for the amounts doubly paid.

3. You are aware from the Accountant's Circular of the 29th July last, No. 146, that the abovementioned Treasury in Scinde is a Political Treasury of the Bengal Presidency.

Accountant's Office, N. W. P.,
Agra, the 15th Sept., 1843.

T. K. LOYD,
Offg. Accountant, N. W. P.

FIRST.

No.

——————— 184 ——————— Company's Rupees ———————

for ——————————— at the Exchange of 1 per cent in favor of ———

——————————— At ———— Days sight of this my First of Exchange

(second not being paid) pay to ———————————————

or order, the sum of Company's Rupees ———————————

being in full for ———————————————————

received here of ——————————— as by advice from me.

To

The Collector of

SECOND.

No.

——————— 184 ——————— Company's Rupees ———————

for ——————————— at the Exchange of 1 per cent in favor of ———

At ———— Days sight of this my second of Exchange

(first not being paid) pay to ———————————————

or order, the sum of Company's Rupees ———————————

being in full for ———————————————————

received here of ——————————— as by advice from me.

To

The Collector of

T. K. LOYD,
Offg. Accountant, N. W. P.

(No. 149.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to request, that you will in future refrain from including in your Contingent Bills for Civil Audit, charges incurred by you on account of remitting treasure for Military Chests; for crossing Troops over Rivers, and for Crops destroyed by encampment of Troops: and that, when charges of these descriptions occur, you will be pleased, as soon after as practicable, to submit a separate Bill for the same, direct to the Military Auditor General for Military Audit, conforming, relative to such charges, in other respects to the instructions conveyed in the Revenue Accountant's Circulars of the 10th January, 1806, No. 152, and 1st May, 1824, No. 287.

2. Payments, however, made on account of Purchase or rent of, or compensation for, Lands taken permanently for Military purposes, must as heretofore be subjected to Civil Audit, but invariably in a separate Bill; it being necessary that such charges, which are eventually debitable to the Military Department, should undergo previous examination and Check in the Civil Department. In such payments you will be guided by the instructions embodied under Section 5 of the printed Circular of the Sudder Board of Revenue on Miscellaneous subjects dated the 4th May, 1841.

3. With respect to compensation for Lands *temporarily* occupied by Military Encampments, you will be guided by Paragraphs 5, 6, and 7 under "Land" in Section 9¼ of the Pay and Audit Regulations (pp. 188) when compensation is not (under the three succeeding paragraphs) made on the spot to the sufferers by the Officer of the Quarter Master General's Department accompanying the force.

T. K. LOYD,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 21st Septr. 1843.

(No. 150.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

In continuation of my Circular of the 15th ultimo, No. 148, I have the honor to apprize you, that the prohibition which existed against the issue of Bills in Duplicate has, under the peculiar circumstances of the case, been relaxed by the Supreme Government in favor of the Officers in charge of the public Treasuries in the Province of Scinde, until further orders.

2. While you will therefore be good enough to honor Scinde drafts drawn upon your Treasury, whether the same be originals or duplicates, *i. e.* Firsts or Seconds of exchange, you will see the necessity of exercising the utmost carefulness to avoid the double payment of the same bill.

3. The safest measure which I can suggest, against the possibility of double payments taking place, is to cause the Check Register of bills drawn upon your Treasury instituted by the Bengal Accountant's Circular of the 1st March, 1833, to be brought up to you on every occasion when a bill is presented for acceptance or payment, and to note carefully therein the date of acceptance or payment whether of the original or duplicate instrument, opposite the No. corresponding with that which the document presented may bear. This course, if sedulously attended to, on all such occasions, will

at once furnish you with the means of ascertaining whether or not the bill presented is a genuine one, and of detecting any fraudulent attempt to obtain a second payment.

4. The entries in your Check Register of the Bills drawn, should of course be made with reference to the advice which the drawing Officer will transmit to your Office on issuing the Bills, or from his weekly advices; and no bill, of which advice has not reached your Office, should be honored before a reference is made to, and a reply obtained from, the drawer, or from myself, to whom a copy of your reference should be simultaneously submitted. The duty of entering the No. tenor, date, and amount of Bills from their advices in your Check Register, should be entrusted to your Head Clerk, who should be responsible for its careful preparation and safe custody.

T. K. LOYD,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 28th October, 1843.

(No. 151.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to communicate for your information and guidance, copy of a correspondence as per margin, relative to the payment of Drafts in favour of Sepoys, from which you will observe, that the endorsement of the Payee or his proper receipt is indispensably necessary to enable a Collector to discharge such Drafts on the application of any other party, without incurring personal responsibility.

Letter from Collector of Cawnpore, dated 21st August, 1843, to Accountant, North Western Provinces No. 567.

Letter from Accountant, North Western Provinces, to Accountant General Military Department at Fort William, dated 25th August, No. 2451.

Ditto from Accountant General at Fort William, dated 11th October, 1843, in reply with orders of Government.

T. K. LOYD,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 8th Nov., 1845.

(No. 567.)

To the Accountant North Western Provinces, Agra.

Officers in charge of companies and Adjutants of Native Regiments have applied to me to receive the amounts of Sepoys' Drafts when the men are absent, on duty or on leave. Some say they have had Sepoys Drafts cashed upon their Receipt as Adjutant or Officer in charge of their Company; as Officers in either capacity are said to be generally looked upon as the agents of their men in such transactions. There are some Companies now absent from their Head Quarters of the 11th Regiment N. I. stationed at Cawnpore, and, drafts have arrived in favor of Sepoys belonging to those Companies, the amount of which, the Adjutant at Head Quarters offers to receive and settle with the men as he says he receives monthly cosiderable sums from each of the detached Companies.

If the endorsement of the Sepoy be in favor of the Adjutant or Officer in charge of Company it would be different: but without the knowledge or sanction of the Payee, I do not consider myself warranted to pay drafts in favor of Sepoys to Officers.

J. WEMYSS,
Collector.

Cawnpore Collector's Office,
The 21st August, 1843.

(No. 2451.)

To C. MORLEY, *Esquire, Accountant General in the Military Department, Fort William.*

I have the honor to submit copy of a letter from the Collector of Cawnpore of the 21st Ultimo, No. 567, and to request your sentiments as to whether or not a Collector should discharge a Sepoy's Family Remittance Bill when drawn in favor of another Sepoy, and claimed by the Officer Commanding the Company or the Adjutant of the Corps in which the Payee is serving, during the latter's absence and without his endorsement.

2. I am disposed to think that the endorsement of the Payee in favor of such a claimant is indispensable, except in the case of a Sepoy who has demised, and whose assets it is necessary to realize, to pay over to his heirs; and that the Collector making a payment without the necessary endorsement would incur personal responsibility were the payment ever disputed.

3. Regimental Staff Officers or those commanding Companies may, however, possess powers, with which I am unacquainted, and under which, they may advance claims of the nature stated by Mr. Wemyss; I therefore will feel obliged by your early instructions on this subject, which, if necessary, I will circulate for the general guidance of our Collectors.

T. K. LOYD,
Offg. Accountant, N. W. P.

Accountant's Office N. W. P.,
Agra, the 25th Aug. 1843.

(No. 3057.)

To the Officiating Accountant, North Western Provinces, Agra.

Having referred for the orders of the Right Honorable the Governor General of India in Council your letter No. 2451, of 25th August last, with annexed copy of one No. 567, of the 21st Idem to your address from the Collector of Cawnpore, desiring to know whether or not a Collector may discharge a Sepoy's Family Remittance draft when claimed during the absence of the Payee from the Regiment either on duty or on leave by the Officer Commanding the Company of the Absentee or Adjutant of the Regiment without requiring the endorsement or receipt of the Payee, I have now the honor to annex copy of Officiating Secretary Major Sanders' reply, No. 564, of date the 22nd ultimo, pointing out the course of procedure in all cases of paying a Sepoy's draft, and in respect to an absentee you will observe that the endorsement of the payee or his proper receipt is indispensably necessary, to enable a Collector to discharge such draft on the application of any other party without incurring personal responsibility.

You will be so good as to transmit copies of the correspondence connected with this reference to all Officers furnishing accounts to your Office for their information and guidance.

C. MORLEY,
Accountant General.

Accountant Genl's Office, Mily. Dept.
Fort William, 11*th Oct.* 1843.

(No. 564.)

To the Accountant General, Military Department.

Your letter, No. 2760, dated 11th Instant, soliciting to be informed whether Regimental Staff Officers may receive payment of Sepoy's Family Remittance drafts during

the absence of the payee and without his endorsement or receipt, the drawee incurring no responsibility, has been submitted to the Governor General in Council.

2. In reply, I am directed by His Lordship in Council to acquaint you, that in his opinion it would be more advisable to adhere to the practice which appears at present generally to obtain, viz. that when a draft for a Sepoy reaches the Collector of the Station at or near which the man's Regiment is quartered intimation thereof is given to the Commanding Officer who causes the Sepoy to be furnished with a certificate of Identity, on the strength of which, he proceeds to the Kutcherry and receives the amount.

3. If the men be on leave or command, a note is taken of the remittance, and he is directed to repair to the Kutcherry on rejoining the Regiment.

4. If in the interim the Corps should quit the station, the remittance can be transferred by the Collector, by assignment, on the application of the Commanding Officer to the nearest convenient Treasury.

5. In the event of a claim being preferred by any other individual than the Soldier to whom the remittance is made, the view taken of the necessity of previous endorsement by the Payee, by the Officiating Accountant, North Western Provinces, appears to His Lordship in Council perfectly correct.

6. The enclosure of your letter is herewith returned.

(Signed) EDWARD SANDERS,
Offg. Secy. to the Govt. of India, Mily. Dept.

Council Chamber,
22nd September, 1843.

(True Copy.)

(Signed) C. MORLEY,
Accountant General.

(True Copies.)

(Signed) T. K. LOYD,
Offg. Accountant, N. W. P.

(No. 153.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

In the preparation of the three monthly estimates forwarded to this Office under the Circular instructions of the 18th January, 1842, No. 114, sufficient care not appearing to be shewn in the proper exhibition of the various items of monthly receipts, particularly those from Land Revenue; I have the honor to solicit your particular attention to the subject, and to request that in cases in which a falling off in the receipt under any head is expected, a foot note explanatory of the cause should be invariably given, especially when the expected Land Revenue collections are shewn at considerably below the amount of the monthly demand.

2. On the other hand, also, the expected charges should as far as possible be stated with reference to your actual prospects, or to data officially communicated to you: thus, in stating the payments on account of the Military Department the ordinary amount should not be increased without proper cause, which should be stated in a foot note: but, should be diminished in proportion to the removal of Troops from your locality, without any corresponding accession.

3. In cases in which cash remittances are expected to be received or made, you will be good enough to indicate whence the remittance is expected, or whither it is proposed to be sent, and the probable date of receipt or of dispatch.

4. Under the column of actual disbursements, I request you will invariably include all the disbursements of the month, as well those held in Inefficient Balance as those chargeable in the body of your Treasury account. This request is made distinctly, as I observe several Officers only exhibit the adjustable charges.

5. The object of these returns being to present a just statement of your Treasury prospects, and of your expected Cash Balance at the end of each month, from which I may be enabled efficiently to control the resources, and to take timely measures for meeting pressures at particular localities, I beg you will give the subject the attention which its importance demands.

C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 18th Nov. 1843.

(No. 154.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

At the requisition of the Committee of Management of the Bengal Medical Retiring Fund, conveyed in their Secretary's letter of the 31st Ultimo, I have the honor to request that in the drafts by which you were directed in Mr. Accountant Well's Circular, No. 56, dated 10th May, 1838, to remit to the Secretary of this Fund the amounts credited in your accounts on account of Subscriptions, &c. you will be good enough to insert the name of the Sub-Treasurer who is the Ex-officio Treasurer of this Fund as the Payee thereof, instead of that of the Secretary to the Institution. The drafts must, however, continue to be forwarded to the last mentioned Officer accompanied by the list as prescribed in the Circular above cited.

C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 20th Nov. 1843.

(No. 156)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

The prospective three months' estimate now furnished to this Office not exhibiting how much of the Balance expected to be in the Treasury at the close of "each month" consists of available Silver coin, which it is desirable to know, I have the honor to request that you will insert in two lines in red ink at the foot of the several monthly columns in your future estimates, the amount of expected Balance in uncurrent coin, and the amount in available cash, the aggregate of which will form the entire expected Cash Balance exhibited in the body of the estimates.

2. The available cash you will be pleased to understand as that portion of your Cash Balance which consists of full weight and reissuable Rupees and also half and quarter Rupees.

C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 13th Dec., 1843.

(No. 157.)

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to inform you that the Superintendent of Jalown has this day been authorized to grant bills upon your Treasury on account of Military Officers and Sepoy's Family Remittances, you will accordingly be good enough to honor that Officer's drafts, and debit them in your Treasury accounts under "Bills payable of the Revenue Department, North Western Provinces."

2. I beg also to intimate to you, that you are not empowered to grant Bills upon the Jalown Treasury except under special authority previously obtained from this Office.

C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P.,
Agra, the 16th Decr. 1843.

CIRCULAR ORDERS

OF THE

CIVIL AUDITOR'S OFFICE,

NORTH WESTERN PROVINCES.

(No. 108½.)

To the Commissioner of the Division.

With a view of ensuring uniformity in the Countersignature of Bills for tentage allowance, I have the honor to request that in attesting all such Bills for the future, you will adopt the wording of the Certificate noted in the margin,* as the mere circumstance of an Officer's allowances being less than 23,000 Rupees per annum, does not admit of his title to the 5 Rs. per diem.

* "Certified Mr. — was employed on the public service in the interior under canvas, during the period specified in this Bill."

F. O. WELLS, *Accountant,*
in charge of Civil Audr's. Office, N. W. P.

Civil Auditor's Office, N. W. P.,
Agra, the 18th Feby. 1841.

NOTIFICATION.

Repeated instances occurring of Bills being forwarded for audit with signatures attached to them, quite unintelligible, it is hereby notified that in future any Bills not bearing a legible signature with the Office held by the Officer drawing the Bill, will be returned unaudited.

W. E. MONEY,
Offg. Civil Auditor N. W. P.

Civil Auditor's Office, N. W. P.,
Agra, 24th February, 1841.

To all Local Officers in the North Western Provinces.

In addition to the regular abstract of your Office Establishment, which will be required for the month of April next for audit, I request you will likewise forward a separate statement exhibiting the particulars of the *whole* of your Establishment, as they may

stand on the 1st of May next, which is to be drawn out in the annexed form, in order to enable me to correct the Books of Establishments up to that date.

2. To enable me to complete the Book of Establishments at an early period, I request, that you will cause the transmission of the details now required, with your *next April abstract* to be compared therewith at the time of its audit, and I beg to inform you, that till the receipt of these details, your abstract for April, and the succeeding months will not be audited.

Civil Auditor's Office, N. W. P.,
Agra, the 31st March, 1841.

T. K. LOYD,
Offg. Civil Auditor, N. W. P.

FORM.

Detailed Statement of Salaries and Establishment of the
on the 1st May, 1841.

Department and date of Government order constituting each Office and Establishment existing on the 1st May, 1841.	Date of the appointment of the Individual holding the Office.	Name of Individual.	Description of Service.	Amount of Salary.			Total.		
Judicial Depart. 30th. Decr. 1828.	1st June, 1829.	A. B.	Judge or Collr. &c. as the case may be	000	0	0			
Judicial Depart. 6th. April, 1833.	1st July, 1831.	C. D.	Joint Magt. &c. Deputy Collector.	000	0	0			
Revenue Depart. 17th. Feby. 1829, & 10th Jan., 1832.	9th Jany. 1834.	E. F.	Head Assist. to the Magt. and Collr. so forth.	000	0	0	0000	0	
		ENGLISH OFFICE.							
Revenue Depart. 1st May, 1793	17th Feby. 1825.	A. B.	Head Writer.	000	0	0			
	20th March, 1809.	C. D.	2nd Dito.	00	0	0			
Ditto. Ditto.		E. F.	Duftree.	0	0	0	000	0	0
		OMLAH.							
Revenue Depart. 15th. Sept. 1815.	3rd Augt. 1815.	A. B.	Moulvee.	000	0	0			
	5th July, 1819.	C. D.	Sherishtadar.	000	0	0			
	20th March, 1831.	E. F.	Recordkeeper.	00	0	0			
Ditto.	1st Sept. 1830.	G. H.	Mohurer.	00	0	0	000	0	0
		TREASURY.							
Reg. V. of 1831.	&c.	&c. &c.	&c.				000	0	0
		SUDDER AMEENS ESTABLISHMENT.							
Judicial Department G. O. 1831.	&c.	&c. &c.	&c.				000	0	0
		TEHSILDAREE.							
&c.		&c. &c.	&c.				000	0	0

N. B. The names of Individuals on the receipt of more than (4) Four Rupees per mensem are to be inserted in the present Schedule, with the number, description, and Salaries only of such as may be below that rate.

To all Collectors and other Disbursing Officers.

I have the honor to annex for your information and guidance Extracts from a letter from the Honorable the Court of Directors in the Territorial Finance Department dated 26th June, 1833, and request that you, in furnishing to this Office, your annual

Statement of Stipends, Pensions, and Charitable Allowances for the 1st of May, 1841, separately specify those which are of 200 Rupees per annum and exceeding that amount, and I beg to enclose a form which you will be pleased to observe in preparing the Statement in question.

2. The details of those less than 200 Rupees per annum, should also be stated for the use of this Office, as well as a specification as heretofore, *of all casualties* or *alterations* of whatever amount, as directed by the Honorable Court, and I request that you will favor me with a Separate Statement of alterations in your list, which have occurred since the 30th of April, 1840. These statements should be forwarded to this Office after the 30th of April next, to enable me to compile a General Schedule required by the orders above alluded to.

T. K. LOYD,
Offg. Civil Auditor, N. W. P.

Civil Auditor's Office, N. W. P.,
Agra, the 31st March, 1841.

P. S. I request that the Pensions may be severally classed according to the instructions laid down in my Circular of the 9th December, 1837.

Extracts from a letter from the Honorable the Court of Directors in the Territorial Finance Department, dated 26th June, 1833.

Paragraph 8. 3rd and 4th Clauses—" You will also direct that the Statements of " Pensions be given in one account entirely separate from the account of Offices and " establishments keeping of course the Pensions of each Department distinct."

" All Pensions of less amount than 200 Rupees a year may be stated in one " amount at the place (Collectorate or Zillah &c.) where they are payable. This " arrangement however must not be considered as releasing your Officers from the " duty of keeping you constantly advised of all alterations of whatever amount in the " Pension lists of their respective Stations and of the occasion of such alterations."

T. K. LOYD,
Offg. Civil Auditor, N. W. P.

FORM.—Statement of Stipends Pensions and Charitable Allowances payable from the Treasury of the Collectorship of for 18

Revised Numbers of the Sunnuds.	Number of the Descriptive Rolls or Certificates.		Names of Pensioners	Ages of the Grantees as they stood on the 1st May, 1839.	Commencement of limited Grants.	Amount of Pensions per Annum.	Term of continuance whether for Life or in Perpetuity.	Dates of authority with a specification of the Departments.
		Names to be entered Alphabetically.	**Political Pensions.** Exceeding 200 Rupees per annum.					
			A.	31	1st Augt. 1821.	250	For life.	Secy. to Govt. Pol. Dept. 3rd August, 1821.
			B.	49	1st May, 1830.	400	In perpetuity.	Ditto Ditto 4th May, 1830.
			Total exceeding 200 Rupees per Annum,		Rupees,.....	650		
		Names to be entered Alphabetically.	**Revenue Pensions.** Exceeding 200 Rupees per annum.					
4	2 of 1831-32		A.	49	10th May, 1809.	400	For life.	Secy. to Govt. Revenue Dept. 20th April, 1809.
7	9 of 1832-33		B.	28	7th Novr. 1831.	310	In perpetuity.	Ditto Ditto 7th Augt. 1830.
			Total exceeding 200 Rupees per Annum,		Rupees,.....	710		
		Names to be entered Alphabetically.	**Revenue Pensions.** Not exceeding 200 Rupees per annum.					
7	9 of 1830-31		A.	47	10th Sept. 1830.	110	For life	Secy. to the S. B. of Rev. dated.
11	5 of 1832-33		B.	55	8th Octr. 1829.	50	Ditto.	
			Total not exceeding 200 Rupees per Annum,		Rupees,.....	160		
		Names to be entered Alphabetically.	**Judicial Pensions.**					
	4 of 1833-34		A.	21	10th June 1832.	48	For life.	Secy. to Govt. Judicial Dept. 1st May, 1832.
				Total	Rupees,.....	1,568		

Abstract.

Poll. Pensions exceeding 200 Rs. per annum	for life ..	Rs.	250
	in perpetuity.	,,	400
Reve. Ditto, Exceeding Ditto, do.	for life ..	,,	400
	in perpetuity,	,,	310
Ditto. not Ditto. do.	for life ..	,,	160
Judicial Ditto Ditto,	for ditto ..	,,	48
	Total Rupees		1,568

N. B. This Form should be strictly attended to in drawing up the statement required.

Civil Auditor, N. W. P.

(No. 269 A.)

To all Local Officers in the North Western Provinces.

In order to facilitate the check upon Contingent Bills, for extra establishments sanctioned by Government for definite periods, and to prevent the trouble which is occasioned by Officers frequently continuing to insert such items even after the expiration of the authorized time, I have the honor to request that you will in future cause to be inserted in any such Bills that you may forward, (in addition to the usual authorities now quoted) the date of the commencement of the charge and the time for which it has been authorized, not only in the Bill of the month in which it is first drawn, but likewise in those of every succeeding month.

2. I beg the favor of your particular attention to these orders.

T. K. LOYD,
Offg. Civil Auditor, N. W. P

Civil Auditor's Office, N. W. P.,
Agra, the 1st May, 1841.

(No. 218.)

To Officers of the North Western Provinces.

I have the honor to request that you will in future abstain from the practice of forwarding your monthly Bills to this Office for audit previous to the expiration of the month for which such are drawn, the practice being unusual and irregular, the accompanying Bill is returned in consequence to be resubmitted.

T. K. LOYD,
Offg. Civil Auditor, N. W. P.

Civil Auditor's Office, N. W. P.,
Agra, the 2nd May, 1842.

NOTIFICATION.

Urgent calls having been made by Government upon the Civil Auditor, for the speedy transmission of the Books of Civil Establishments for 1841-42, and the preparation of these Books, having hitherto been greatly delayed, by the non-receipt of the necessary returns (particularly in the Pension Department,) from Local Officers: the Officiating Civil Auditor begs to draw their attention to the subject, and trusts that they will, by a speedy transmission of all returns required of them, enable the calls of Government to be met on the present occasion.

T. K. LOYD,
Offg. Civil Auditor, N. W. P.

Civil Auditor's Office, N. W. P.,
Agra, 10th June, 1842.

To all Collectors and other Disbursing Officers.

To enable me to meet the calls of the Government of India, and the Honorable Court of Directors, for the early transmission of the Quarterly Reports of increase and decrease of Pensions and Charitable Allowances of these Provinces, I have the honor to

solicit the favor of your furnishing a monthly list of the Casualties, which may occur in your district, instead of quarterly as heretofore, and that you will be pleased to forward it direct to my Office, as soon after the close of the month as practicable.

T. K. LOYD,
Offg. Civil Auditor, N. W. P.

Civil Auditor's Office, N. W. P.,
Agra, the 30th June, 1842.

The Officiating Civil Auditor has the honor to inform the Heads of Offices in the North Western Provinces, that any Bills forwarded to him in which the Circular Instructions, from time to time issued from the Audit Office, have been disregarded will be returned unaudited.

To facilitate reference regarding them the dates of some are enumerated below.

31*st March,* 1834.	27*th March,* 1838.
18*th April,* 1834.	30*th April,* 1838.
22*nd Novr.,* 1837.	18*th Ditto,* 1839.
8*th Feby.,* 1838.	1*st May,* 1841.

T. K. LOYD,
Offg. Civil Auditor N. W. P.

Civil Auditor's Office, N. W. P.,
Agra, 19*th July,* 1842.

(No. 500.)

To the Post Master of

To prevent the inconvenience experienced in Registering your Contingent Bills, which are received through the Post Master General, North Western Provinces, for audit, I have the honor to request you will be good enough in future to transmit them in Duplicate, care being taken to include all charges in one monthly Contingent Bill instead of as at present, separate ones for every petty disbursement.

T. K. LOYD,
Offg. Civil Auditor, N. W. P.

Civil Auditor's Office, N. W. P.,
Agra, the 17*th August,* 1842.

(No. 274.)

To all Collectors in the North Western Provinces.

With a view to establish an uniform principle in auditing Bills for Pensions, I have the honor to request, you will, for the future, (commencing from May 1843,) draw out and submit, distinct Bills, alphabetically arranged, for each class of Pensions noted in the margin * for audit, adhering to the established forms in drawing out the same, care being

Superannuation.
Charitable.
Treaty.
Mafee.

taken to distinguish therein the departments to which they belong, (General, Political, Revenue and Judicial,) with separate totals for each head.

2. In furnishing the Abstracts for Treaty and Charitable Pensions, you will be good enough to be guided by the instructions conveyed in my Predecessor's Circular Letter of the 9th December, 1837.

3. As the object of this Circular is to cause a revision in the Registers of my Office, I beg to add, that all separate Bills for any one class of Pensions, will be returned without audit, to be included in the Monthly Abstract, which should embrace the names of every individual whose allowances are payable from your Treasury, and the sums only entered of actual payments; the other items remaining blank, as unpaid; by this means irregularity will be avoided, and the means of check in my Office complete.

4. With the exception of Bills for Mafee Pensions, which must be furnished Quarterly, I request you will submit Monthly Abstracts regularly for the other classes.

T. K. LOYD,
Offg. Civil Auditor, N. W. P.

Civil Auditor's Office, N. W. P.,
Agra, the 9th May, 1843.

(No. 721.)

To Commissioners of Revenue and Police, North Western Provinces.

With reference to the 16th paragraph of the Circular Orders of Government to your address, dated 24th August last, authorizing an allowance of 50 Rupees per mensem to every Joint Magistrate whilst absent from the Sudder Station, where Government may not provide a residence, I have the honor to request you will be good enough to countersign all Bills on this account, previous to their being submitted for audit, and report to this Office the date on which each Officer may assume charge of his district Station, as prior to so doing no Joint Magistrate is entitled to the allowance.

2. Adverting to the 9th paragraph of the Circular Orders I shall feel obliged by your intimating to my Office any charge of the nature alluded to on its occurrence.

T. K. LOYD,
Offg. Civil Auditor, N. W. P.

Civil Auditor's Office, N. W. P.,
Agra, the 17th Nov., 1843.

(No. 745.)

To all Officers in the North Western Provinces.

To enable me to give due effect to the rule passed by Government on the 19th September last and published in the *Urdu Gazette* of the 3rd ultimo, I have the honor to transmit herewith a Modified form of Statement for travelling charges and request you will be good enough to adopt it in future in lieu of that now furnished with your Monthly Contingent Bills.

2. As present Incumbents are permitted to draw the old rate of Travelling Allowances, you will be particularly careful to insert in the Statement (when furnishing

the same) the date of appointment of each Individual, to admit of a proper check in my Office in passing such charges for the future.

T. K. LOYD,
Offg. Civil Auditor Office, N. W. P.

Civil Auditor's Office, N. W. P.,
Agra, the 30th Novr. 1843.

Statement of Travelling charges to the Christian and Native Assistants of my Office for the month of 184 .

Date of appointments.	Names of Individuals.	Situations held by them in the Fixed Establishment.	Salary of the Situation per mensem.			Period of Employment on circuit and rate of Travelling Charges per orders of Government in the Territorial Dept. 29th May, 1829.	Period of Employment on circuit and rate of Travelling Charges per orders of Government in the Financial Dept. 19th September, 1843.	Amount of Travelling allowances.			Total.		
1st Augt. 1841.	A. B.	Head Writer.	200	0	0	From 1st to 19th May 1843, @ 2 Rs. per diem.	.. ..	38	0	0			
1st Octr. 1843.	C. D.	Moonshee. ..	40	0	0	.. ..	From 1st to 31st Octr. 1843 @ 0:3:10 or 12 Rs. per month. ..	12	0	0	50	0	0

THE END OF VOL. I.

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TO THE

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FOR 1841, 1842 AND 1843.

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TO

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NORTH WESTERN PROVINCES.

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CIRCULAR ORDERS OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES,

CUSTOMS DEPARTMENT.

INCLUDING ABKAREE AND STAMPS.

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TO THE

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RETURNS—Requesting the speedy transmission of all (particularly in the pension department) from Local Officers, to meet the urgent calls of Government for the speedy transmission of the Books of Civil Establishments for 1841-42, ...	Not: 10th June 1842.	371
S.		
SIGNATURES—Bills, in which the signature and designation of the Drawer are illegible, will be returned unaudited, ...	Not: 24th Feb. 1841.	367
STATEMENTS—In detail of salaries and establishments, from 1st May as per Form annexed, required to accompany the April Abstract, (to admit of the early completion of the Annual Book of Establishment); without which, Abstracts for that and succeeding months will not be audited, ...	Not: 31st March 1841.	367

S.	No. and Date.	Page.
STATEMENTS—In detail of stipends, pensions, and charitable allowances for the 1st May 1841, to be furnished in accordance with the Form annexed, and extracts from a letter of the Hon'ble Court of Directors in the Territorial Finance Department, which accompany for information and guidance in their preparation; also a separate statement of alteration, since the 30th April of the year preceding. Both to be submitted after the 30th April, ensuing, ...	Cir: 31st March 1841.	368

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